

Austin, Texas, May 20, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 65, Granting John Haney and Lockwood Allison permission to sue the Texas State Liquor Board and/or the State of Texas for damages for personal injuries.

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, May 19, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 89, Granting Mrs. Mary Esther Ramsey permission to sue the State.

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, May 19, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 106, Urging the State Parks Board to permit the use of State Parks to the Boy Scouts and Girl Scouts of Texas.

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, May 20, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 36, "An Act to amend Article 752, Chapter 7, Title 12 of the Penal Code of 1925, as amended by Section 15 of Chapter 244, page 606 of the Acts of the Regular Session of the Forty-fourth Legislature; and to amend Chapter 7, Title 12 of the Penal Code of 1925, as amended by Section 16, Chapter 244, page 606 of the Acts of the Regular Session of the Forty-fourth Legislature; and providing that any dentist practicing under his own license may be employed under certain conditions; making it unlawful to obtain business in connection with the practice of dentistry by employing 'Cappers' or

'Steerers'; making it unlawful to do certain other things prohibited in this Act in connection with the practice of dentistry, even though fraud is not used in connection therewith; and giving the State Board of Dental Examiners the authority to refuse to grant a license to certain persons; and to revoke, cancel, or suspend licenses of persons violating certain provisions of the Statutes and Penal Code, after notice; providing for appeals from orders of said Board and for trials in the District Court and appeals to the Court of Civil Appeals; providing that any duly authorized, licensed and registered dentist may maintain one additional office in any town or city other than the town of his residence; providing that said law shall be cumulative of and in addition to all other laws, and repealing all laws in conflict herewith; providing penalties; declaring the Legislative intent with respect to this Act; fixing the effective date of this Act, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

SEVENTY-FIFTH DAY

(Friday, May 21, 1937)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Calvert.

The roll of the House was called, and the following Members were present:

Adkins	Carssow
Alexander	Cathey
Alsup	Cauthorn
Amos	Celaya
Baker	Cleveland
Bates	Colquitt
Beckworth	Davis of Haskell
Bell	Davis of Jasper
Blankenship	Davison of Fisher
Boethel	Davisson
Bond	of Eastland
Boyer	Deglandon
Bradbury	Dickison
Bradford	Dollins
Bridgers	England
Broadfoot	Farmer
Brown	Felty
Burton	Fielden
Cagle	Fox
Callan	Fuchs

Gibson	Metcalf
Graves	Moffett
Hamilton	Monkhouse
Hankamer	Morris
Hanna	Morse
Harbin	Newton
Hardin	Nicholson
Harper	Oliver
Harrell	Palmer
Harris of Archer	Patterson of Mills
Harris of Dallas	Patterson
Harris of Dickens	of Travis
Hartzog	Petsch
Heflin	Pope
Herzik	Powell
Holland	Prescott
Hoskins	Quinn
Howard	Ragsdale
Huddleston	Reader
Hull	Reed of Bowie
Hyder	Reed of Dallas
Jackson	Rhodes
James	Riddle
Johnson of Ellis	Ross
Johnson	Russell
of Tarrant	Rutta
Jones of Angelina	Schuenemann
Jones of Atascosa	Settle
Jones of Wise	Sewell
Keefe	Sharpe
Kelt	Shell
Kenyon	Simpson
Kern	Skaggs
King	Smith of Hopkins
Knetsch	Smith
Langdon	of Matagorda
Lankford	Smith of Tarrant
Lanning	Stevenson
Leath	Stinson
Leonard	Stocks
Leyendecker	Talbert
Little	Tarwater
Loggins	Tennant
London	Tennyson
Lucas	Thornberry
Mauritz	Thornton
Mays	Vale
McConnell	Waggoner
McCracken	Walker
McDonald	Weldon
McFarland	Westbrook
McKee	Winfree
McKinney	Wood

Absent

Dean

Absent—Excused

Derden	Mann
Jones of Falls	Roark
Keith	Worley

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain.

LEAVES OF ABSENCE GRANTED

Mr. Roark was granted leave of absence for today, on account of important business, on motion of Mr. Jones of Wise.

Mr. Worley and Mr. Keith were granted leaves of absence for this morning, on account of important conference committee work on House Bill No. 5.

The following Members were granted leaves of absence on account of illness:

Mr. Mauritz for today, on motion of Mr. Walker.

Mr. Jones of Falls for today, on motion of Mr. Adkins.

Mr. Derden for today, on account of illness in his family, on motion of Mr. Cagle.

TO PROVIDE FOR APPROPRIATION FOR CERTAIN COMMITTEE

Mr. Smith of Tarrant offered the following resolution:

Whereas, The membership of the House of Representative has sanctioned the creation of a committee vested with authority to study allegations relative to affairs of the State Eleemosynary Institutions; and

Whereas, This committee has organized itself and has made a preliminary investigation into the personnel, conduct and physical condition of the Texas State School; and

Whereas, This preliminary investigation met with adversity as to concluding certain allegations, due to a seeming reluctance on the part of an official of the institution mentioned, to permit the disclosure of facts; and

Whereas, There is off handedly seen the need of many changes which would benefit the State, the eleemosynary institutions progress, and the eventual rehabilitation of many inmates presently confined; and

Whereas, It is imperative that more time is needed by the committee in order to accomplish the original purpose of said committee's creation and sanction; and

Whereas, It is presumed that what exists at one institution, logical deduction infers a like existence at the same type of institution more distantly located; and

Whereas, It is deemed advisable by the committee to visit every eleemosynary institution in order to prepare a worthwhile report with recommendations to the Legislature; and

Whereas, Such further visits will necessarily entail an expenditure in order to arrive at meritorious accomplishments; therefore, be it

Resolved by the Legislature of the State of Texas, That the sum of \$500.00 be set aside out of the contingent expense account to carry on and conclude the investigation begun by this committee. By authority of Resolution No. 238.

SMITH of Tarrant,
RHODES,
JOHNSON of Ellis.

The resolution was read second time.

Mr. Lanning offered the following amendment to the resolution:

"The total amount of money for the investigation shall not exceed \$500.00, and no money shall be expended without a majority vote of the committee and approved by the Chairman of the Contingent Expense Committee."

The amendment was adopted.

The resolution, as amended, was then adopted.

TO PROVIDE FOR APPOINTMENT OF CERTAIN COMMITTEE TO INVESTIGATE CERTAIN PUBLIC WATERS

Mr. Hoskins offered the following resolution:

Whereas, The pollution of public waters constitutes a menace to public health, destroys fish and aquatic life, and renders lakes, streams and beaches, unfit for recreation purposes; and

Whereas, Existing pollution of public waters has become so prevalent as to amount to a public calamity, and prospective pollution is imminent, and is affected with public interest to such an extent, as to demand prompt and effective steps to prevent such prospective pollution, and to abate existing pollution; and

Whereas, The present anti-pollution law is insufficient to enable the State Authorities to check or prevent pollution; now, therefore, be it

Resolved, That a committee of seven (7) be appointed by the House of Representatives of the Forty-fifth Legislature, with instructions to in-

vestigate existing pollution and threatened pollution of public waters, with power to hold hearings, to subpoena witnesses, and to administer oaths, for the purpose of securing data and information as to the extent and menace of pollution of public waters, and to hire stenographers and clerks; four (4) members to constitute a quorum of the main committee, and three (3) members to constitute a quorum of the sub-committee when holding hearings; and, be it further

Resolved, That the committee be instructed to and empowered to confer and treat with the authorities of the adjoining states, with the view of affecting a compact or compacts, for the purpose of abating, or preventing the pollution of public waters that constitutes the border between Texas and one or more states; and the committee be instructed to report its findings to the next and at all subsequent sessions of the Forty-fifth Legislature, so long as the committee is in existence; and, be it further

Resolved, That there is hereby appropriated, and set aside for the use of said committee, out of any funds in the contingent expense account, for the purpose of paying the expenses of the committee, in its hearings and investigations, paying stenographers and clerks, and serving subpoenas, and all necessary expenses, the sum of Five Thousand (\$5,000.00) Dollars, warrants to be issued only on the filing of a statement by the committee members, or employees, acknowledged before a Notary Public, and signed by the Chairman of the committee, and the Chairman of the Contingent Expense Account Committee and the Speaker of the House.

HOSKINS,
SCHUENEMANN,
JOHNSON of Ellis,
FIELDEN,
FELTY,
McKEE,
HARTZOG.

The resolution was read second time.

Mr. Blankenship moved that the resolution be referred to the Committee on Interstate Cooperations.

Mr. Hoskins moved to table the motion by Mr. Blankenship.

The motion to table prevailed.

Mr. Lanning offered the following amendment to the resolution:

"The total money for the investiga-

tion shall not exceed \$500.00 and no money shall be spent without the majority vote of the committee and approved by the Chairman of the Contingent Expense Committee."

Mr. Patterson, of Mills raised a point of order, on further consideration of the resolution, at this time, on the ground that the time allotted for the consideration of resolutions has expired.

The Speaker sustained the point of order.

Mr. Hoskins moved that the Rule, relative to the time allotted for the consideration of resolutions, be suspended for the purpose of considering the above resolution.

The motion prevailed.

Mr. Morris moved the previous question on the pending amendment and the resolution, and the motion was not seconded.

Mr. Felty moved the previous question on the pending amendment and the resolution, and the main question was ordered.

Question first recurring on the amendment by Mr. Lanning, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—76

Adkins	Harris of Dallas
Alexander	Harris of Dickens
Alsup	Heflin
Amos	Herzik
Beckworth	Holland
Blankenship	Huddleston
Boethel	Jones of Atascosa
Boyer	Jones of Wise
Bradbury	Keefe
Bradford	Kelt
Bridgers	Kern
Broadfoot	King
Brown	Knetsch
Burton	Langdon
Cagle	Lankford
Cauthorn	Lanning
Cleveland	Leath
Davisson	Leyendecker
of Eastland	Little
Dickison	London
England	McConnell
Farmer	Moffett
Fox	Morris
Gibson	Newton
Graves	Nicholson
Hanna	Palmer
Harbin	Patterson of Mills
Hardin	Petsch
Harris of Archer	Powell

Prescott	Smith of Tarrant
Quinn	Stevenson
Ragsdale	Stocks
Reed of Bowie	Tarwater
Reed of Dallas	Tennyson
Russell	Thornberry
Simpson	Weldon
Skaggs	Winfree
Smith of Hopkins	Wood
Smith	
of Matagorda	

Nays—50

Baker	Kenyon
Bates	Loggins
Bell	Lucas
Callan	Mauritz
Carssow	McCracken
Cathey	McDonald
Celaya	McFarland
Colquitt	McKee
Davis of Haskell	McKinney
Davis of Jasper	Monkhouse
Dollins	Patterson
Felty	of Travis
Fielden	Reader
Hamilton	Rhodes
Hankamer	Rutta
Harper	Schuenemann
Harrell	Settle
Hartzog	Sewell
Hoskins	Sharpe
Howard	Shell
Hyder	Talbert
James	Tennant
Johnson of Ellis	Thornton
Johnson	Vale
of Tarrant	Waggoner
Jones of Angelina	Westbrook

Present—Not Voting

Oliver

Absent

Bond	Mays
Davison of Fisher	Metcalfe
Dean	Morse
Deglandon	Pope
Fuchs	Riddle
Hull	Ross
Jackson	Stinson
Leonard	Walker

Absent—Excused

Derden	Mann
Jones of Falls	Roark
Keith	Worley

Question then recurring on the resolution, as amended, yeas and nays were demanded.

The resolution, as amended, was then adopted by the following vote:

Yeas—82

Adkins	Lanning
Alexander	Leath
Amos	Little
Baker	Loggins
Beckworth	London
Bell	Lucas
Boethel	Langdon
Boyer	McConnell
Broadfoot	McCracken
Callan	McDonald
Carssow	McFarland
Cathey	McKee
Cauthorn	McKinney
Celaya	Moffett
Colquitt	Monkhouse
Davis of Haskell	Newton
Davisson	Palmer
of Eastland	Patterson
Dickison	of Travis
Dollins	Petsch
Farmer	Pope
Felty	Reader
Fielden	Reed of Dallas
Hamilton	Rhodes
Hankamer	Rutta
Harbin	Schuenemann
Hardin	Settle
Harper	Sewell
Harris of Dallas	Sharpe
Hartzog	Shell
Heflin	Simpson
Herzik	Smith
Hoskins	of Matagorda
Howard	Smith of Tarrant
Huddleston	Stevenson
Hull	Stocks
Hyder	Talbert
James	Tarwater
Johnson of Ellis	Tennant
Johnson	Thornton
of Tarrant	Vale
Kenyon	Waggoner
Knetsch	Winfree

Nays—45

Alsup	Harris of Archer
Bates	Harris of Dickens
Blankenship	Jones of Angelina
Bradbury	Jones of Atascosa
Bradford	Jones of Wise
Bridgers	Keefe
Brown	Kelt
Burton	Kern
Cagle	King
Cleveland	Lankford
Davis of Jasper	Leyendecker
Deglandon	Morris
England	Nicholson
Fox	Oliver
Gibson	Patterson of Mills
Hanna	Powell
Harrell	Quinn

Ragsdale	Tennyson
Reed of Bowie	Thornberry
Ross	Walker
Russell	Weldon
Skaggs	Westbrook
Smith of Hopkins	

Absent

Bond	Mauritz
Davison of Fisher	Mays
Dean	Metcalfe
Fuchs	Morse
Graves	Prescott
Holland	Riddle
Jackson	Stinson
Leonard	Wood

Absent—Excused

Derden	Mann
Jones of Falls	Roark
Keith	Worley

NAMING POET LAUREATE OF
THE HOUSE

Mr. Winfree offered the following resolution:

Whereas, This House is indeed fortunate in that it has as one of its members a poet of recognized ability in this nation; and

Whereas, It is entirely fitting that unusual talent of this kind should be recognized; therefore, be it

Resolved by this House, That Dr. Clarence La Fayette Stocks be appointed and designated as Poet Laureate of the House of Representatives of the Forty-fifth Legislature of the State of Texas.

WINFREE,
RHODES.

The resolution was read second time, and was unanimously adopted.

MESSAGE FROM THE SENATE

Austin, Texas, May 21, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted

S. C. R. No. 73, Instructing the conference committee on House Bill No. 24 to make certain corrections in the bill.

Has passed

H. B. No. 163, A bill to be entitled "An Act to validate the organization and creation of all school districts, including common school districts, independent school districts, consolidated common school districts, all county

line school districts, including county line common school districts, county line independent school districts, county line consolidated common school districts, county line consolidated independent school districts, rural high school districts, and all other school districts, whether created by General or Special Law or by County Boards of Trustees; providing no transfer of territory is validated by the Act unless authorized by an affirmative vote of voters in such districts; validating the acts of said County Boards of Trustees and Boards of Trustees of such districts; validating all proceedings and acts of said Boards of Trustees; validating all bonds voted, authorized and/or now outstanding of said districts; validating all tax levies made in behalf of said districts; authorizing and empowering all school districts mentioned in this Act to levy, assess, and collect the same rate of taxes as is now being levied, or attempted to be authorized by any act, or acts of said districts, or by any Act of the Legislature; making certain exemptions, and declaring an emergency." (With amendments.)

H. B. No. 181, A bill to be entitled "An Act providing for the admissibility in evidence of certified copies of certain instruments required by statute or by Rules of the Railroad Commission of Texas to be filed with the Railroad Commission of Texas, and providing that same shall be prima facie evidence of the facts contained therein, and authorizing certificates to such copies to be made by certain officials therein specified." (With amendments.)

H. B. No. 214, A bill to be entitled "An Act amending Article 5006 of the Revised Civil Statutes of 1925, as amended by Acts, 1935, Forty-fourth Legislature, page 22, designating the securities in which the funds of general casualty companies may be invested; providing that general casualty companies may invest funds in interest bearing notes or bonds of the University of Texas, and declaring an emergency."

H. B. No. 360, A bill to be entitled "An Act giving to Mrs. James Steel, a feme sole, consent of the Legislature to file and prosecute a suit against the State of Texas, and declaring an emergency."

H. B. No. 469, A bill to be entitled "An Act amending Article 2843, Title

No. 49, Chapter 16, Revised Civil Statutes of 1925, authorizing the increase or decrease in the list of subjects for which free textbooks are adopted; providing that the State Board of Education shall adopt textbooks for high school subjects on a multiple list basis when one hundred or more first-class high schools are affiliated in the subjects; providing that the State Board of Education may adopt free textbooks in a subject when less than one hundred first-class high schools are affiliated in the subject when the State course of study and popular demand justify it; providing that a book or books may be adopted for high schools which combine two or more of the existing high school subjects provided no existing high school subject is omitted by such a combination; providing that the State Board of Education may also, if deemed necessary, adopt a book or books in music and in science for the elementary grades; and providing further that a book or books may be adopted in the elementary grades which combine two or more of the subjects herein listed and that no subject herein listed is thereby omitted through such a combination, and declaring an emergency."

H. B. No. 489, A bill to be entitled "An Act to amend Article 392, Revised Civil Statutes of 1925, as amended by Acts, 1935, Forty-fourth Legislature, page 21, Chapter 6, Section 1, and declaring an emergency." (With amendments.)

H. B. No. 495, A bill to be entitled "An Act to amend Article 4941, Revised Civil Statutes of 1925, as amended by Acts, 1935, Forty-fourth Legislature, page 20, Chapter 5, Section 1, and declaring an emergency."

H. B. No. 624, A bill to be entitled "An Act providing that it shall be unlawful to take any fish for sale from the waters of Lake Corpus Christi, situated in the Counties of San Patricio, Jim Wells, and Live Oak, or from the waters of the Nueces River between Calallen Dam and west boundary line of Live Oak County, including all of the tributaries of the Nueces River within the boundaries of Live Oak County, San Patricio County and Nueces County; providing a closed season for fishing in said waters; prohibiting the use of certain devices for taking fish in said waters; providing a suitable penalty for any violation of this Act; repeal-

ing all laws in conflict therewith, and declaring an emergency."

H. B. No. 665, A bill to be entitled "An Act amending Article 1970-314, Revised Civil Statutes of Texas, 1925, so as to give the County Court of Red River County, Texas, original concurrent jurisdiction with the district court of said county in certain criminal cases, and exclusive appellate jurisdiction of certain criminal cases appealed from justice courts, to conform the jurisdiction of the district court of such county to such change; repealing all laws in conflict herewith, and declaring an emergency."

H. B. No. 670, A bill to be entitled "An Act granting aid to the property and inhabitants of Trinity and San Jacinto counties, Texas, because of the public calamities which have occurred in said counties by reason of floods and storm which have caused great destruction of property and loss of life; remitting, releasing, granting and donating to said counties all said ad valorem taxes for general revenue purposes levied and collected on property in said counties, including the rolling stock of railroads for a period of five years, beginning with the taxable year 1937, for the use of said counties for the purposes of constructing improvements to prevent soil erosion, flood control, irrigation and drainage projects and road building, and provided that said taxes shall be levied, assessed and collected in the manner now provided by law and that the assessor and collector of said county shall forward his report to the Comptroller covering said collections and shall pay over to the county treasurer of said counties all moneys collected by him at the end of each month except such amounts as may be allowed by law for collecting and assessing such taxes; requiring said assessor and collector to forward a duplicate copy of the receipts given him by the county treasurer for said moneys to the State Comptroller and defining the purposes and intention of this Act, and declaring an emergency." (With amendments.)

H. B. No. 671, A bill to be entitled "An Act creating the Coastal Division of Game, Fish and Oyster Commission, and declaring an emergency."

H. B. No. 746, A bill to be entitled "An Act to prohibit fraternities, sororities, and secret societies in the

public schools of the State, and declaring an emergency." (With amendments.)

H. B. No. 943, A bill to be entitled "An Act to amend Article IV of Chapter 495, Acts of the Forty-fourth Legislature, Third Called Session, by adding a new section to be inserted immediately following Section 9 thereof, which new section shall be known and cited as Section 9A providing that tax on notes and secured obligation shall be levied on only one of several contemporaneous instruments securing the same obligation, laws and parts of law in conflict herewith, and declaring an emergency." (With amendments.)

H. B. No. 937, A bill to be entitled "An Act providing that if any person shall enclose or shall remove the fence from the enclosure or any part thereof of any cemetery or burial ground with the purpose or intent to use such cemetery or burial ground for any other use or purpose he shall be guilty of a misdemeanor and upon conviction therefor shall be punished by a fine of not to exceed Two Hundred Dollars, or by imprisonment in the county jail or by both such fine and imprisonment, and declaring an emergency."

H. B. No. 976, A bill to be entitled "An Act validating all conveyances made by Goliad County Commissioners' Court or under their authority of County or public school land and making such conveyance valid whether made at public auction or private sale, and declaring an emergency."

H. B. No. 1016, A bill to be entitled "An Act amending Section 6 of Article 46-A of the Revised Civil Statutes of Texas, Acts, 1931, Forty-second Legislature, and declaring an emergency."

H. B. No. 1051, A bill to be entitled "An Act providing relief for the Common School District of San Augustine County, Texas, made necessary by reason of the fact that the Federal Government has purchased over forty-one per cent (41%) of the land in said County thereby taking off the tax rolls of such districts a major portion of the valuation; making an appropriation of said districts in said County to enable them to continue their program of education, and declaring an emergency."

H. B. No. 1027, A bill to be entitled "An Act amending Article 7261 by transferring the duty of certifying to the correctness of the report of the

County Collector from the County Clerk to the County Auditor in those counties having a County Auditor, and declaring an emergency."

H. B. No. 1129, A bill to be entitled "An Act granting to Willie Wise permission to bring suit against the State of Texas and/or the Texas Relief Commission; . . . etc., and declaring an emergency."

H. B. No. 1152, A bill to be entitled "An Act declaring it unlawful to use seines or nets except those of a certain dimension for taking certain fish from the waters of Coryell County, Texas, excepting minnow seines from the provisions of this Act; providing size limits for fish taken in said County; prohibiting the sale of minnows and declaring it unlawful to transport more than one hundred and twenty-five (125) minnows at any one time beyond the borders of said County; prescribing a penalty for the violation of this Act; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 1143, A bill to be entitled "An Act making certain emergency appropriations out of the general revenue of the State of Texas for the State Commission for the Blind for the balance of the fiscal year ending August 31, 1937, and declaring an emergency." (With amendments.)

H. B. No. 1158, A bill to be entitled "An Act authorizing the Commissioners' Court in certain counties to allow each county commissioner to purchase and maintain a pick-up truck for use in each Commissioners' Precinct in connection with official business; providing the funds from which the cost of same shall be paid, and declaring an emergency."

H. B. No. 1163, A bill to be entitled "An Act validating the transfer of territory proceedings detaching territory from the Center Plains Common School District No. 4, and the Science Hill Common School District No. 8, both of Hale County, Texas, and attaching same to the Cotton Center Independent School District of Hale County, Texas, including petitions, hearings, orders, notices, elections orders declaring results of elections, assumption of indebtedness, and declaring an emergency."

H. B. No. 1179, A bill to be entitled "An Act amending Chapter 101, page 279, of the General and Special Laws

of the First Called Session of the Forty-third Legislature, being House Bill No. 31, and, as amended by Chapter 346, page 811, of the General and Special Laws of the Regular Session of the Forty-fourth Legislature, being House Bill No. 991, and, as amended by House Bill No. 722, of the General and Special Laws of the Regular Session of the Forty-fifth Legislature, by adding thereto two new sections to be known as Sections 16 and 17, so as to authorize such cities and towns to separate the Firemen, Policemen and Fire Alarm Operators' Pension Fund into a Policemen's Division thereof, and a Firemen's Division, including Fire Alarm Operators thereof, each to have a separate Pension Fund, both to have the same Board of Trustees and to be operated, managed and controlled under existing laws; providing for a procedure for separation; validating acts of such cities and towns heretofore creating and maintaining separate Funds and separate Division of Firemen, Policemen and Fire Alarm Operators' Pension Fund, and declaring an emergency."

H. B. No. 1180, A bill to be entitled "An Act fixing the compensation of county auditors in every county having a population of not less than forty-nine thousand (49,000) nor more than fifty-two thousand (52,000) inhabitants according to the last preceding United States Census and prescribing how the same shall be paid; repealing all laws in conflict herewith, and declaring an emergency." (With amendments.)

H. B. No. 1188, A bill to be entitled "An Act repealing House Bill No. 525, Acts of the Forty-fifth Legislature, Regular Session, amending Article 3221, Revised Civil Statutes of Texas, 1925, as amended by authorizing State Board of Control to accept and care for orphan negro children in the home located at Austin, Texas; authorizing said Board to move any and all orphan children from the Dickson Colored Orphanage located near Gilmer, Texas, to Austin; providing that as soon as such children are removed, the Board shall sell the Dickson Colored Orphanage property; providing for the disposition of funds realized from the sale of such property, and declaring an emergency."

Respectfully,

BOB BARKER,

Secretary of the Senate.

Expressing Appreciation of the House to

Hon. Lon E. Alsup

Mr. Morse offered the following resolution:

Whereas, Our beloved colleague the Honorable Lon E. Alsup is now serving his fourth consecutive term as a Member of the House of Representatives; and

Whereas, He has served the State of Texas and his district with honor and distinction, both as a Member of the House during this long period, and as chairman of important Committees of the House; and

Whereas, He has during the Forty-fifth Legislature served the House as Chairman of the Committee on Contingent Expenses and in such position has, with the cooperation of his vice-chairman and committee members been responsible for saving the State many thousands of dollars; and

Whereas, His entire career as a public official has been marked by a devotion to duty and an unsurpassed sense of responsibility to all whom he has served; now, therefore, be it

Resolved by the House of Representatives, That he be thanked for his valuable service as chairman of this committee and commended for his many worthy activities as a Member of the House, and that the Chief Clerk of the House be instructed to deliver to him an enrolled copy of this resolution.

MORSE,
KERN,
CALVERT.

The resolution was read second time.

Signed—Adkins, Alexander, Amos, Baker, Bates, Beckworth, Bell, Blankenship, Boethel, Bond, Boyer, Bradbury, Bradford, Bridgers, Broadfoot, Brown, Burton, Cagle, Callan, Carssow, Cathey, Cauthorn, Celaya, Cleveland, Colquitt, Davis of Haskell, Davis of Jasper, Davison of Fisher, Davison of Eastland, Dean, Deglandon, Derden, Dickison, Dollins, England, Farmer, Felty, Fielden, Fox, Fuchs, Gibson, Graves, Hamilton, Hankamer, Hanna, Harbin, Hardin, Harper, Harrell, Harris of Archer, Harris of Dallas, Harris of Dickens, Hartzog, Heflin, Herzik, Holland, Hoskins, Howard, Huddleston, Hull, Hyder, Jackson, James, Johnson of Ellis, Johnson of Tarrant, Jones of Angelina, Jones of Atascosa, Jones of Falls, Jones of Wise, Keefe, Keith, Kelt, Kenyon, King, Knetsch, Langdon, Lankford, Lanning, Leath, Leonard, Leyendecker, Little, Loggins, London, Lucas, Mann, Mauritz, Mays, McConnell, McCracken, McDonald, McFarland, McKee, McKinney, Metcalfe, Moffett, Monkhouse, Morris, Newton, Nicholson, Oliver, Palmer, Patterson of Mills, Patterson of Travis, Petsch, Pope, Powell, Prescott, Quinn, Ragsdale, Reader, Reed of Bowie, Reed of Dallas, Rhodes, Riddle, Roark, Ross, Russell, Rutta, Schuenemann, Settle, Sewell, Sharpe, Shell, Simpson, Skaggs, Smith of Hopkins, Smith of Matagorda, Smith of Tarrant, Stevenson, Stinson, Stocks, Talbert, Tarwater, Tennant, Tennyson, Thornberry, Thornton, Vale, Waggoner, Walker, Weldon, Westbrook, Winfree, Wood and Worley.

On motion of Mr. Morse, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.

MEMORIALIZING CONGRESS IN
REGARD TO CERTAIN
LEGISLATION

Mr. Hull offered the following resolution:

Whereas, There is at this time widespread public interest in the enactment of Stream Pollution legislation; and

Whereas, The House of Representatives at Washington has already acted favorably on the Vinson Bill HR-2711, a bill designed to create a Division of Water Pollution Control and providing for the setting up of a program to be administered under the direction of the Federal Government; and

Whereas, This bill provides for Federal cooperation and stimulation of the pollution control activities of the various State Health Departments and 33 1/3 per cent grants in aid and loans to municipalities and other official political subdivisions, as well as loans to industries for the construction of remedial sewage and industrial waste treatment; and

Whereas, There is recognized to be in the State of Texas dire need of a program of this kind and especially with respect to Stream Pollution; and

Whereas, Many of our communities have long since exhausted all tax resources, whereby funds could be made available for these purposes; and

Whereas, This proposed Act will, in a large way, remedy these circumstances; and its provisions have been endorsed by the United States Chamber of Commerce, approved by various manufacturers' associations, and complies with resolutions of the American Society of Civil Engineers, American Water Works Association, Sewage Works Association and other societies relative to this field of activity; therefore, be it

Resolved, That the Legislature of Texas go on record as approving the action of the National House of Representatives and earnestly solicit immediate action on the part of the Senate of the United States in approval of Senate Bill No. 702, a companion bill now pending before that honorable body, and that a copy of this resolution be forwarded to the Speaker of the House of Representatives and the President of the Senate of the United States, to Congressman Fred M. Vinson of Kentucky and Senator A. W. Barkley of Kentucky,

and to the Surgeon General of the United States.

The resolution was read second time, and was adopted.

INVITING HON. T. V. SMITH TO
ADDRESS THE HOUSE

Mr. Jones of Wise offered the following resolution:

Whereas, The Honorable T. V. Smith, Democratic Member of the Senate of the State of Illinois, is today a visitor in the City of Austin; and

Whereas, Dr. Smith is a native Texan and distinguished ex-student of the University of Texas, and former instructor at both Texas Christian University and University of Texas, and is now a professor of Philosophy in the University of Chicago; and

Whereas, This outstanding Texan has distinguished himself as writer, lecturer, philosopher and statesman; now, therefore, be it

Resolved, That the House of Representatives of the State of Texas accord Dr. Smith the privilege of the floor of the House during his brief stay in Austin; and, be it further

Resolved, That he be invited to address the House on Friday afternoon at an hour which is convenient to him.

JONES of Wise,
THORNBERRY,
THORNTON.

The resolution was read second time, and was adopted.

MESSAGE FROM THE GOVERNOR

The Speaker laid before the House, and had read the following message from the Governor:

Austin, Texas, May 21, 1937.

To the Members of the Forty-fifth Legislature:

I have approved, signed and filed House Bill 397, which consists of two several items of appropriation for the establishment of hospitals for the care of the insane, in so far as Section 1 of said bill appropriates \$817,000.00 and authorizes the buildings, improvements and expenses incurred in securing the land for the site of a hospital to be located west of the 100th meridian; and I have disapproved and vetoed that portion of said bill contained in Sections 2 and 3 carrying an appropriation and authority for the buildings and improvements

and expenses incurred in securing the land for the site of a hospital to be located east of the 96th meridian, the second appropriation item in said bill.

In filing this bill with the Secretary of State, pursuant to the Constitution, I appended to same at the time of filing it a statement of the items to which I object; again, pursuant to the Constitution, I am herewith transmitting to the House of Representatives, in which the bill originated, a copy of such statement and the items I objected to. The statement and items objected to follow:

"My reasons for disapproving and vetoing this item of \$817,000.00 carrying with it the authority to build and establish a hospital for the insane to be located east of the 96th meridian, the second appropriation in said bill, are as follows:

"In my message to the Legislature dated January 25, 1937, I pointed out that the Board of Control had recommended the establishment of a new hospital for the insane in West Texas to cost approximately \$817,000.00. I adopted this recommendation of the Board, and myself recommended the establishment of this hospital. Up to that time no representative of either west or east Texas had conferred with me about it. I simply acted upon the recommendation of the Board of Control and their finding that this hospital was necessary and desirable.

"No Member of the Legislature, or representative of east Texas, discussed any proposed hospital in east Texas until after an amendment to this effect had been adopted in the State Senate. When the matter went into free conference a number of the Members of the Legislature did discuss it with me. I was advised that the Legislature was unwilling to appropriate money for two hospitals at this time in view of the depleted condition of the treasury and the fact no tax revenues had been raised. An overwhelming majority felt we did need one hospital and that this should be established to serve a vast area in west Texas not being served at the present time and to relieve congestions in other institutions.

"I am, myself, of the opinion that we cannot afford to build two hospitals at this time. I think one hospital, with the additions which have been authorized at existing institutions, are sufficient to meet our pres-

ent and early future needs. Many Members of the Legislature voted for the passage of this bill because it was commonly understood that I would not approve the building of two hospitals at this time."

For the reasons stated, I have approved the bill as to an appropriation carrying authority for a hospital west of the 100th meridian, and disapproved and vetoed the item and appropriation of \$817,000.00 carrying with it the authority for the establishment of a hospital east of the 96th meridian.

Respectfully,

JAMES V. ALLRED,
Governor of Texas.

HOUSE BILL NO. 489 WITH SENATE AMENDMENTS

Mr. Howard called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 489, A bill to be entitled "An Act to amend Article 392, Revised Civil Statutes of 1925, as amended by Acts, 1935, Forty-fourth Legislature, page 21, Chapter 6, Section 1, and declaring an emergency."

The Speaker laid the bill before the House with the Senate amendments.

On motion of Mr. Howard, the House concurred in the Senate amendments by the following vote:

Yeas—122

Adkins	Deglandon
Alexander	Dollins
Alsup	England
Amos	Farmer
Baker	Felty
Bates	Fielden
Beckworth	Fox
Bell	Fuchs
Blankenship	Gibson
Boethel	Graves
Boyer	Hamilton
Bradbury	Hankamer
Bradford	Hanna
Broadfoot	Hardin
Brown	Harper
Burton	Harrell
Cagle	Harris of Archer
Callan	Harris of Dallas
Carssow	Harris of Dickens
Cathey	Hartzog
Cauthorn	Heflin
Celaya	Herzik
Cleveland	Hoskins
Colquitt	Howard
Davis of Jasper	Huddleston

Hull	Patterson
Hyder	of Travis
Jackson	Petsch
James	Pope
Johnson of Ellis	Powell
Johnson	Prescott
of Tarrant	Quinn
Jones of Angelina	Ragsdale
Jones of Wise	Reed of Bowie
Keefe	Reed of Dallas
Kelt	Rhodes
Kenyon	Ross
Kern	Russell
King	Rutta
Knetsch	Schuenemann
Langdon	Settle
Lankford	Sewell
Lanning	Sharpe
Leath	Shell
Leonard	Simpson
Leyendecker	Skaggs
Little	Smith of Hopkins
Loggins	Smith
Lucas	of Matagorda
McConnell	Smith of Tarrant
McCracken	Stinson
McDonald	Stocks
McFarland	Talbert
McKee	Tarwater
Moffett	Tennant
Monkhouse	Thornberry
Morris	Thornton
Morse	Vale
Newton	Waggoner
Oliver	Walker
Palmer	Weldon
Patterson of Mills	Winfree
	Wood

Absent

Bond	London
Bridgers	Mauritz.
Davis of Haskell	Mays
Davison of Fisher	McKinney
Davisson	Metcalfe
of Eastland	Nicholson
Dean	Reader
Dickison	Riddle
Harbin	Stevenson
Holland	Tennyson
Jones of Atascosa	Westbrook

Absent—Excused

Derden	Mann
Jones of Falls	Roark
Keith	Worley

CONFERENCE COMMITTEE RE-
PORT ON HOUSE BILL
NO. 1169

Mr. Morse submitted the following
Conference Committee Report on
House Bill No. 1169:

Committee Room,

Austin, Texas, May 20, 1937.

Hon. Walter F. Woodul, President of
the Senate.

Hon. R. W. Calvert, Speaker of the
House of Representatives.

Sirs: We, your Conference Com-
mittee, appointed to adjust the differ-
ences between the Senate and the
House of Representatives on House Bill
No. 1169, do report that we have had
the same under consideration and
recommend to the Senate and House
of Representatives that it do pass in
the form attached hereto.

Respectfully,

MOORE,
RAWLINGS,
SHIVERS,
SPEARS,

On the part of the Senate.

JOHNSON of Tarrant,
HEFLIN,
HOWARD,
CARSSOW,

On the part of the House.

H. B. No. 1169

A BILL

To Be Entitled

An Act fixing the compensation of of-
ficial shorthand reporters in Dis-
trict Courts, Criminal District
Courts and County Courts-at-Law
in all counties having a population
in excess of three hundred and
fifty-five thousand (355,000) inhabi-
tants, according to the last preced-
ing or any future Federal Census
and in counties having a population
of more than two hundred and
ninety thousand (290,000) and less
than three hundred and twenty-five
thousand (325,000) inhabitants ac-
cording to the last preceding or any
future Federal Census; providing
methods of payment; providing that
if any section, paragraph, sentence,
clause, phrase or part of this Act
be invalid, such invalidity shall not
affect the remainder thereof; re-
pealing all laws and parts of laws
in conflict to the extent of such con-
flict only, and declaring an emer-
gency.

Be It Enacted by the Legislature of
the State of Texas:

Section 1. That the official short-
hand reporter of each District Court,
Criminal District Court and County

Court-at-Law in each county in the State of Texas having a population in excess of three hundred and fifty-five thousand (355,000) inhabitants, according to the last preceding or any future Federal Census, shall receive a salary of Thirty-six Hundred (\$3,600.00) Dollars per annum in addition to the compensation for transcript fees as provided by law. Said salary shall be paid monthly on approval of the Judge of such court out of the General Fund of the county.

Sec. 2. That the official shorthand reporter of each District Court, Criminal District Court and County Court-at-Law in each county in the State of Texas having a population of more than two hundred and ninety thousand (290,000) and less than three hundred and twenty-five thousand (325,000) inhabitants, according to the last preceding or any future Federal Census, shall receive a salary of Thirty-six Hundred (\$3,600.00) Dollars per annum in addition to the compensation for transcript fees as provided by law. Said salary shall be paid monthly on approval of the Judge of such Court out of the General Fund of the county.

Sec. 3. If any section, sentence, clause, phrase or part of this Act be held invalid for any reason, such invalidity shall not affect the remainder of the Act.

Sec. 4. All laws and parts of laws in conflict herewith are hereby repealed to the extent of such conflict only.

Sec. 5. The rapidly rising cost of living and the expense to the official shorthand reporters of preparing many records on paupers' oaths without cost to litigants, due to the filing of many suits on such paupers' oaths, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

On motion of Mr. Morse, the report was adopted by the following vote:

Yeas—121

Adkins	Baker
Alexander	Bates
Alsup	Beckworth
Amos	Bell

Boethel
Boyer
Bradbury
Bradford
Brown
Burton
Cagle
Callan
Carssow
Celaya
Cleveland
Colquitt
Davis of Haskell
Davis of Jasper
Davisson
of Eastland
Deglandon
Dickison
Dollins
England
Farmer
Felty
Fielden
Fox
Gibson
Graves
Hamilton
Hankamer
Hanna
Harbin
Hardin
Harper
Harrell
Harris of Archer
Harris of Dickens
Hartzog
Heflin
Herzik
Hoskins
Howard
Huddleston
Hull
Hyder
Jackson
James
Johnson of Ellis
Johnson
of Tarrant
Jones of Angelina
Jones of Atascosa
Jones of Wise
Kelt
Kenyon
Kern
King
Knetsch
Langdon
Lanning
Leath

Leonard
Leyendecker
Little
Loggins
Lucas
Mays
McConnell
McDonald
McFarland
McKee
McKinney
Moffett
Monkhouse
Morris
Morse
Newton
Nicholson
Oliver
Patterson of Mills
Patterson
of Travis
Petsch
Pope
Powell
Prescott
Quinn
Ragsdale
Reed of Bowie
Rhodes
Riddle
Ross
Russell
Rutta
Schuenemann
Settle
Sewell
Sharpe
Shell
Simpson
Skaggs
Smith of Hopkins
Smith
of Matagorda
Smith of Tarrant
Stocks
Talbert
Tarwater
Tennant
Tennyson
Thornberry
Thornton
Vale
Waggoner
Walker
Weldon
Westbrook
Winfree
Wood

Nays—6

Blankenship	Lankford
Cathey	Reed of Dallas
Harris of Dallas	Stinson

Absent

Bond	Keefe
Bridgers	London
Broadfoot	Mauritz
Cauthorn	McCracken
Davison of Fisher	Palmer
Dean	Reader
Fuchs	Stevenson
Holland	

Absent—Excused

Derden	Metcalfe
Jones of Falls	Roark
Keith	Worley
Mann	

HOUSE BILL NO. 821 WITH
SENATE AMENDMENTS

Mr. Carssow called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 821, A bill to be entitled "An Act to declare the necessity of creating public bodies corporate and politic to be known as housing authorities to undertake slum clearance and projects to provide dwelling accommodations for persons of low income; to create such housing authorities in cities having a population of more than 5,000 and in counties; to define the powers and duties of housing authorities and to provide for the exercise of such powers, including acquiring property, borrowing money, issuing bonds and other obligations, and giving security therefor; to provide that housing authorities, their property and securities shall be exempt from taxation and assessment, but to authorize certain payments in lieu of taxes; to provide for a certification of the bonds by the Attorney General; and to confer remedies on obligees of housing authorities, and to declare an emergency."

The Speaker laid the bill before the House with the Senate amendments.

On motion of Mr. Carssow, the House concurred in the Senate amendments by the following vote:

Yeas—125

Adkins	Blankenship
Alexander	Boethel
Alsup	Boyer
Amos	Bradbury
Baker	Bradford
Bates	Broadfoot
Beckworth	Brown
Bell	Burton

Cagle	Loggins
Callan	London
Carssow	Lucas
Cathey	Mays
Celaya	McConnell
Cleveland	McCracken
Colquitt	McDonald
Davis of Haskell	McFarland
Davis of Jasper	McKee
Deglandon	McKinney
Dickison	Moffett
England	Monkhouse
Farmer	Morris
Felty	Morse
Fielden	Newton
Fuchs	Nicholson
Gibson	Oliver
Graves	Palmer
Hamilton	Patterson of Mills
Hankamer	Patterson
Hanna	of Travis
Hardin	Petsch
Harper	Pope
Harrell	Powell
Harris of Archer	Prescott
Harris of Dallas	Quinn
Harris of Dickens	Ragsdale
Hartzog	Reed of Bowie
Heflin	Reed of Dallas
Herzik	Rhodes
Holland	Riddle
Hoskins	Russell
Howard	Rutta
Huddleston	Schuenemann
Hull	Settle
Hyder	Sewell
Jackson	Sharpe
James	Shell
Johnson of Ellis	Simpson
Johnson	Skaggs
of Tarrant	Smith of Hopkins
Jones of Angelina	Smith
Jones of Atascosa	of Matagorda
Jones of Wise	Smith of Tarrant
Keefe	Stocks
Kelt	Talbert
Kern	Tarwater
King	Tennant
Knetsch	Tennyson
Langdon	Thornton
Lankford	Vale
Lanning	Waggoner
Leath	Walker
Leonard	Weldon
Leyendecker	Winfree
Little	Wood

Present—Not Voting

Westbrook

Absent

Bond	Davisson
Bridgers	of Eastland
Cauthorn	Dean
Davison of Fisher	Dollins

Fox	Reader
Harbin	Ross
Kenyon	Stevenson
Mauritz	Stinson

Absent—Excused

Derden	Metcalfe
Jones of Falls	Roark
Keith	Thornberry
Mann	Worley

HOUSE BILL NO. 7 WITH
SENATE AMENDMENTS

Mr. Alsup called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 7, A bill to be entitled "An Act creating a State Board of Public Welfare for the State of Texas; providing for the appointment of a State Board of Public Welfare; providing that said Board shall consist of nine (9) members, one (1) of whom shall be a representative of labor; prescribing their terms of office, qualifications and duties, and fixing their compensation; providing that any member offering himself as a candidate for public office shall automatically be disqualified from holding membership on said Board; providing that no member shall serve more than two consecutive terms; providing that the Board, its agents and employees shall constitute the State Department of Public Welfare; prescribing the rights, powers and duties of said State Department of Public Welfare; providing for the selection and appointment of an Executive Director; prescribing the qualifications, duties, and fixing the salary of such Executive Director; providing for reports of the Executive Director and of the Board; providing for the creation of such divisions within the Department as the Board may deem necessary; providing that all the rights, powers and duties of the Division of Child Welfare, the Old Age Assistance Commission, and the Texas Relief Commission shall be transferred and conferred upon the State Board of Public Welfare, etc., and declaring an emergency."

The Speaker laid the bill before the House with the Senate amendments.

On motion of Mr. Alsup, the House concurred in the Senate amendments.

HOUSE BILL NO. 1180 WITH
SENATE AMENDMENTS

Mr. Morris called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 1180, A bill to be entitled "An Act fixing the compensation of County Auditors in every county having a population of not less than forty-nine thousand (49,000) nor more than fifty-two thousand (52,000) inhabitants according to the last preceding United States Census and prescribing how the same shall be paid; repealing all laws in conflict herewith, and declaring an emergency."

The Speaker laid the bill before the House with the Senate amendments.

On motion of Mr. Morris, the House concurred in the Senate amendments by the following vote:

Yeas—126

Adkins	Hamilton
Alexander	Hankamer
Alsup	Hanna
Amos	Harbin
Baker	Hardin
Bates	Harrell
Beckworth	Harris of Archer
Bell	Harris of Dallas
Blankenship	Harris of Dickens
Boethel	Hartzog
Bond	Heflin
Boyer	Herzik
Bradbury	Holland
Bradford	Hoskins
Bridgers	Howard
Brown	Huddleston
Burton	Hull
Cagle	Hyder
Callan	Jackson
Carssow	James
Cathey	Johnson of Ellis
Cleveland	Johnson
Colquitt	of Tarrant
Davis of Haskell	Jones of Angelina
Davisson	Jones of Atascosa
of Eastland	Jones of Wise
Deglandon	Keefe
Dickison	Kelt
Dollins	Kenyon
England	Kern
Farmer	King
Felty	Knetsch
Fielden	Langdon
Fox	Lankford
Fuchs	Lanning
Gibson	Leath
Graves	Leonard

Leyendecker	Rhodes
Little	Riddle
Loggins	Russell
London	Rutta
Lucas	Schuenemann
Mays	Settle
McDonald	Sharpe
McFarland	Shell
McKee	Simpson
McKinney	Skaggs
Moffett	Smith of Hopkins
Monkhouse	Smith of Tarrant
Morris	Stinson
Morse	Stocks
Newton	Talbert
Nicholson	Tarwater
Palmer	Tennant
Patterson of Mills	Tennyson
Patterson	Thornberry
of Travis	Thornton
Petsch	Vale
Pope	Waggoner
Powell	Walker
Prescott	Weldon
Quinn	Westbrook
Ragsdale	Winfree
Reed of Bowie	Wood
Reed of Dallas	

Absent

Broadfoot	McCracken
Cauthorn	Oliver
Celaya	Reader
Davis of Jasper	Ross
Davison of Fisher	Sewell
Dean	Smith
Harper	of Matagorda
Mauritz	Stevenson
McConnell	

Absent—Excused

Derden	Metcalf
Jones of Falls	Roark
Keith	Worley
Mann	

HOUSE BILL NO. 670 WITH
SENATE AMENDMENTS

Mr. Loggins called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 670, A bill to be entitled "An Act granting aid to the property and inhabitants of Trinity and San Jacinto Counties, Texas, because of the public calamities which have occurred in said Counties by reason of floods and storms which have caused great destruction of property and loss of life; remitting, releasing, granting and donating to said Counties all said ad valorem taxes for general revenue purposes levied and collected on prop-

erty in said Counties, including the rolling stock of railroads for a period of five years, beginning with the taxable year, 1937, for the use of said Counties for the purposes of constructing improvements to prevent soil erosion, flood control, irrigation and drainage projects and road building, etc., and declaring an emergency."

The Speaker laid the bill before the House with the Senate amendments.

On motion of Mr. Loggins, the House concurred in the Senate amendments.

HOUSE BILL NO. 181 WITH
SENATE AMENDMENTS

Mr. Shell called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 181, A bill to be entitled "An Act providing for the admissibility in evidence of certified copies of certain instruments required by statute or by Rules of the Railroad Commission of Texas to be filed with the Railroad Commission of Texas, and providing that same shall be prima facie evidence of the facts contained therein, and authorizing certificates to such copies to be made by certain officials therein specified."

The Speaker laid the bill before the House with the Senate amendments.

On motion of Mr. Shell, the House concurred in the Senate amendments by the following vote:

Yeas—120

Adkins	Cathey
Alexander	Cauthorn
Alsup	Cleveland
Amos	Colquitt
Baker	Davis of Haskell
Bates	Davis of Jasper
Beckworth	Davisson
Bell	of Eastland
Blankenship	Deglandon
Boethel	Dickison
Bond	Dollins
Boyer	England
Bradford	Farmer
Broadfoot	Felty
Bridgers	Fielden
Brown	Fox
Burton	Gibson
Cagle	Hamilton
Callan	Hankamer
Carssow	Hanna

Harbin	Morse
Hardin	Newton
Harper	Nicholson
Harrell	Palmer
Harris of Dallas	Patterson of Mills
Hartzog	Patterson
Heflin	of Travis
Herzik	Petsch
Holland	Pope
Hoskins	Powell
Howard	Prescott
Huddleston	Quinn
Hull	Ragsdale
Jackson	Reed of Bowie
James	Reed of Dallas
Johnson of Ellis	Rhodes
Johnson	Riddle
of Tarrant	Russell
Jones of Angelina	Rutta
Jones of Atascosa	Schuenemann
Jones of Wise	Settle
Keefe	Sewell
Kern	Sharpe
King	Shell
Knetsch	Simpson
Lankford	Skaggs
Lanning	Smith of Hopkins
Leath	Smith
Leonard	of Matagorda
Leyendecker	Smith of Tarrant
Little	Stocks
Loggins	Talbert
London	Tarwater
Lucas	Tennant
Mays	Tennyson
McDonald	Thornberry
McFarland	Thornton
McKee	Vale
McKinney	Waggoner
Moffett	Weldon
Monkhouse	Westbrook
Morris	Winfree

Absent

Bradbury	Mauritz
Celaya	McConnell
Davison of Fisher	McCracken
Dean	Metcalfe
Fuchs	Oliver
Graves	Reader
Harris of Archer	Ross
Harris of Dickens	Stevenson
Hyder	Stinson
Kelt	Walker
Kenyon	Wood
Langdon	

Absent—Excused

Derden	Mann
Jones of Falls	Roark
Keith	Worley

HOUSE BILL NO. 1143 WITH
SENATE AMENDMENTS

Mr. Carssow called up from the Speaker's table, with Senate amend-

ments, for consideration of the amendments,

H. B. No. 1143, A bill to be entitled "An Act making certain emergency appropriations out of the general revenue of the State of Texas for the State Commission for the Blind for the balance of the fiscal year ending August 31, 1937, and declaring an emergency."

The Speaker laid the bill before the House with the Senate amendments.

Mr. Carssow moved that the House concur in the Senate amendments.

Mr. Wood moved, as a substitute motion, that the House do not concur in the Senate amendments, and that a conference committee be requested to adjust the differences between the two Houses on the bill.

The substitute motion prevailed.

HOUSE BILL NO. 163 WITH
SENATE AMENDMENTS

Mr. Hankamer called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 163, A bill to be entitled "An Act to validate the organization and creation of all school districts, including common school districts, independent school districts, consolidated common school districts, all county line school districts, including county line common school districts, county line independent school districts, county line consolidated common school districts, county line consolidated independent school districts, rural high school districts, and all other school districts, whether created by General or Special Law or by County Boards of Trustees; providing no transfer of territory is validated by the Act unless authorized by an affirmative vote of voters in such districts; validating the acts of said County Boards of Trustees and Boards of Trustees of such districts; validating all proceedings and acts of said Boards of Trustees; validating all bonds voted, authorized and/or now outstanding of said districts; validating all tax levies made in behalf of said districts; authorizing and empowering all school districts mentioned in this Act to levy, assess, and collect the same rate of taxes as is now being levied, or attempted to be authorized by any act, or acts of said districts, or by any Act of the Legis-

lature; making certain exemptions, and declaring an emergency."

The Speaker laid the bill before the House with the Senate amendments.

On motion of Mr. Hankamer, the House concurred in the Senate amendments by the following vote:

Yeas—126

Adkins	Jackson
Alexander	James
Alsup	Johnson of Ellis
Amos	Johnson
Baker	of Tarrant
Bates	Jones of Angelina
Beckworth	Jones of Atascosa
Bell	Jones of Wise
Blankenship	Keefe
Boethel	Kelt
Bond	Kern
Boyer	King
Bradbury	Knetsch
Bradford	Langdon
Bridgers	Lankford
Brown	Lanning
Burton	Leath
Cagle	Leonard
Callan	Little
Carssow	London
Cauthorn	Lucas
Celaya	Mays
Cleveland	McConnell
Colquitt	McCracken
Davis of Haskell	McDonald
Davison of Fisher	McFarland
Davisson	Moffett
of Eastland	Monkhouse
Deglandon	Morris
Dollins	Morse
England	Newton
Farmer	Nicholson
Felty	Oliver
Fielden	Palmer
Fox	Patterson of Mills
Fuchs	Patterson
Gibson	of Travis
Graves	Petsch
Hamilton	Pope
Hankamer	Powell
Hanna	Quinn
Harbin	Ragsdale
Hardin	Reed of Bowie
Harper	Reed of Dallas
Harris of Dallas	Rhodes
Harris of Dickens	Riddle
Hartzog	Ross
Heflin	Russell
Herzik	Rutta
Holland	Schuenemann
Hoskins	Settle
Howard	Sewell
Huddleston	Sharpe
Hull	Shell
Hyder	Simpson

Skaggs	Tennyson
Smith of Hopkins	Thornberry
Smith	Thornton
of Matagorda	Vale
Smith of Tarrant	Waggoner
Stinson	Walker
Stocks	Weldon
Talbert	Westbrook
Tarwater	Winfree
Tennant	Wood

Absent

Broadfoot	Loggins
Cathey	Mauritz
Davis of Jasper	McKee
Dean	McKinney
Dickison	Metcalfe
Harrell	Prescott
Harris of Archer	Reader
Kenyon	Stevenson
Leyendecker	

Absent—Excused

Derden	Mann
Jones of Falls	Roark
Keith	Worley

AUTHORIZING THE ENROLLING CLERK OF THE HOUSE TO MAKE CERTAIN CORREC- TION IN HOUSE BILL NO. 572

Mr. Walker offered the following resolution:

H. C. R. No. 143, Authorizing the Enrolling Clerk of the House to make certain correction in House Bill No. 572.

Whereas, House Bill No. 572 has passed the House and Senate; and

Whereas, The words "Fourth Called Session" were inadvertently omitted in Section 2 of said bill; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Enrolling Clerk of the House be instructed to insert the words "Fourth Called Session" in the second line of Section 2 between the words "Acts" and "of".

The resolution was read second time, and was adopted.

REQUESTING THE CONFERENCE COMMITTEE TO MAKE CER- TAIN CORRECTION IN HOUSE BILL NO. 24

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 73, Requesting the con-

ference committee on House Bill No. 24 to make certain correction.

Whereas, Through error a certain paragraph was omitted from conference report on House Bill No. 24; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the Chairman of the House and Senate Conference Committees on this bill be instructed to insert the following paragraph at the end of the first paragraph on page 20 of the conference report on this bill:

"The provisions of this Act shall not be construed to repeal or in any way place a limitation upon any remission, donation, grant or diversion of ad valorem taxes heretofore received or which may be received, by virtue of any bill passed before the effective date of this Act, by any county, city or other political subdivision of this State."

The resolution was read second time, and was adopted.

SPECIAL COMMITTEE APPOINTED

The Speaker announced the appointment of the following committee to escort His Excellency, Josephus Daniels, United States Ambassador to Mexico, to the Speaker's platform:

Messrs. Moffett, Celaya and Jones of Atascosa.

ADDRESS BY THE HONORABLE JOSEPHUS DANIELS

(In Joint Session)

In accordance with the provisions of a concurrent resolution heretofore adopted, inviting the Honorable Josephus Daniels, Ambassador to Mexico, to address a Joint Session of the House and Senate at 11:30 o'clock a. m., today, the Honorable Senators, escorted by Hon. Bob Barker, were announced at the bar of the House, and being admitted, were escorted to seats along the aisle.

Lieutenant Governor Walter Woodul was escorted to a seat on the Speaker's stand.

The Honorable Josephus Daniels, accompanied by the Honorable James V. Allred, Governor, and escorted by Senators Oneal, Weinert and Rawlings, committee on the part of the Senate, and Messrs. Moffett, Celaya and Jones of Atascosa, committee on the part of the House, was announced at the bar of the House, and was ad-

mitted and escorted to a seat on the Speaker's stand.

Speaker Calvert presented Honorable James V. Allred, Governor, who introduced the Honorable Josephus Daniels.

Mr. Daniels then addressed the Joint Session.

SENATE RETIRES

At the conclusion of the address, the Senate retired to its Chamber.

MESSAGE FROM THE SENATE

Austin, Texas, May 20, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has granted the request of the House for a conference committee to adjust the differences between the two Houses on House Bill No. 293.

The following have been appointed on the part of the Senate:

Senators Stone, Oneal, Roberts, Rawlings and Moore.

The Senate has refused to concur in House amendments to Senate Bill No. 185 and requests the appointment of a conference committee to adjust the differences between the two Houses.

The following have been appointed on the part of the Senate:

Senators Aikin, Sulak, Cotten, Woodruff and Van Zandt.

Respectfully,

BOB BARKER,
Secretary of the Senate.

RECESS

On motion of Mr. Mays, the House, at 12:20 o'clock p. m., took recess until 2:30 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2:30 o'clock p. m., and was called to order by the Speaker.

LEAVES OF ABSENCE GRANTED

(By unanimous consent)

Mr. Hardin was granted leaves of absence for this afternoon and tomorrow, on account of illness, on motion of Mr. Reed of Bowie.

Mr. McCracken was granted leave of absence for this afternoon, on account of illness, on motion of Mr. Skaggs.

Mr. Davison of Fisher was granted temporary leave of absence for today, on account of important conference committee work, on motion of Mr. Howard.

Mr. Bell was granted leave of absence for this afternoon, on account of important business, on motion of Mr. Calvert.

HOUSE BILL NO. 943 WITH SENATE AMENDMENTS

Mr. Holland called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 943, A bill to be entitled "An Act to amend Article IV of Chapter 495, Acts of the Forty-fourth Legislature, Third Called Session, by adding a new section to be inserted immediately following Section 9 thereof, which new section shall be known and cited as Section 9A providing that tax on notes and secured obligation shall be levied on only one of several contemporaneous instruments securing the same obligation, provided such shall be upon the instrument of greatest denomination, provided said exemption shall not apply to subsequent instruments securing said obligation, repealing all laws and parts of law in conflict herewith, and declaring an emergency."

The Speaker laid the bill before the House with the Senate amendments.

Mr. Holland moved that the House do not concur in the Senate amendments, and that a conference committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

RELATIVE TO WATER TOWER FOR JOHN TARLETON COLLEGE

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 68, Relative to water tower for John Tarleton College.

Whereas, The Legislature has passed an emergency appropriation bill which includes the sum of \$7,500.00 for John Tarleton Agricultural

College for the purpose of building a water tower; and

Whereas, Since said estimate was made and prices of materials were much lower than at the present time; and

Whereas, The Engineer of A. and M. College and the Engineer for the Board of Control have estimated that said water tower will cost approximately \$1,000.00 more than formerly estimated; therefore, be it

Resolved, That this Legislature grant permission to said John Tarleton Agricultural College to pay the residue of such expenses out of local funds not to exceed the sum of \$1,000.00.

The resolution was read second time.

Mr. Wood raised the point of order that the resolution is out of order, on the ground that the resolution seeks to amend the statutes.

The Speaker overruled the point of order.

Question then recurring on the adoption of the resolution, yeas and nays were demanded.

The resolution was adopted by the following vote:

Yeas—104

Adkins	Hankamer
Alexander	Harbin
Alsup	Harper
Amos	Harrell
Baker	Harris of Archer
Bates	Harris of Dallas
Beckworth	Hartzog
Boethel	Heflin
Bond	Herzik
Boyer	Holland
Bradbury	Hoskins
Bridgers	Huddleston
Bradford	Hull
Broadfoot	Hyder
Burton	Jackson
Callan	James
Carssow	Johnson of Ellis
Cathey	Johnson
Cauthorn	of Tarrant
Celaya	Jones of Angelina
Cleveland	Jones of Wise
Colquitt	Keefe
Davis of Jasper	Kelt
Davisson	Kern
of Eastland	King
Deglandon	Langdon
Dollins	Lankford
Fuchs	Lanning
Gibson	Leath
Hamilton	Leyendecker

Little	Ross
Loggins	Russell
London	Rutta
Lucas	Settle
Mann	Schuenemann
Mays	Sharpe
McConnell	Shell
McDonald	Simpson
McKee	Skaggs
McKinney	Smith of Hopkins
Moffett	Smith
Monkhouse	of Matagorda
Morse	Smith of Tarrant
Newton	Stevenson
Palmer	Stinson
Patterson of Mills	Stocks
Patterson	Talbert
of Travis	Tarwater
Pope	Thornton
Prescott	Vale
Quinn	Waggoner
Ragsdale	Walker
Reed of Bowie	Weldon
Riddle	Winfree

Nays—9

Blankenship	Petsch
Fielden	Powell
Hanna	Tennant
Kenyon	Wood
Knetsch	

Absent

Brown	Mauritz
Cagle	McFarland
Davis of Haskell	Morris
Dean	Nicholson
Dickison	Oliver
England	Reader
Farmer	Reed of Dallas
Felty	Rhodes
Fox	Sewell
Howard	Tennyson
Jones of Atascosa	Westbrook
Keith	Worley
Leonard	

Absent—Excused

Bell	Jones of Falls
Davison of Fisher	McCracken
Derden	Metcalf
Graves	Roark
Hardin	Thornberry
Harris of Dickens	

INSTRUCTIONS TO CONFERENCE COMMITTEE ON SENATE BILL NO. 185

Mr. Tennyson submitted the following motion:

"I move to instruct the House Conference on Senate Bill No. 185 to change the high school tuition in said bill from "\$7.00" to "\$7.50" as is provided in the present rural aid law

and in the general law, same being House Bill No. 158, Acts, Regular Session, Forty-fourth Legislature."

TENNYSON,
JONES of Wise,
SMITH of Hopkins,
MOFFETT,
HARRIS of Archer,

The motion prevailed.

HOUSE BILL NO. 746 WITH SENATE AMENDMENTS

Mr. Stinson called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 746, A bill to be entitled "An Act to prohibit fraternities, sororities, and secret societies in the public schools of the State, to provide for the enforcement of same, and declaring an emergency."

The Speaker laid the bill before the House with the Senate amendments.

On motion of Mr. Stinson, the House concurred in the Senate amendments.

CONFERENCE COMMITTEES APPOINTED

The Speaker announced the appointment of the following Conference Committee, on the part of the House, on Senate Bill No. 185:

Messrs. Settle, Amos, Harbin, London and Patterson of Mills.

The Speaker announced the appointment of the following Conference Committee on House Bill No. 943:

Messrs. Holland, Walker, Hankamer, Jones of Wise and Keefe.

ADOPTION OF CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 24

The Speaker laid before the House, for consideration at this time, the Conference Committee Report on House Bill No. 24.

The report having been submitted to the House on yesterday, and printed in the Journal. Further consideration of same having been postponed until today.

Mr. Wood having moved the adoption of the report on yesterday.

(Mr. Alexander in the Chair.)

Mr. Ragsdale moved, as a substitute motion, that the Conference Committee Report on House Bill No. 24 be not adopted.

Mr. Morris moved to table the substitute motion by Mr. Ragsdale.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—71

Adkins	Johnson of Ellis
Alexander	Johnson
Alsup	of Tarrant
Baker	Jones of Wise
Beckworth	Keefe
Boethel	Kenyon
Bond	Knetsch
Bradbury	Langdon
Bradford	Lankford
Broadfoot	Leonard
Bridgers	London
Brown	McDonald
Burton	McKee
Cagle	McKinney
Callan	Moffett
Cathey	Monkhouse
Cauthorn	Morris
Cleveland	Newton
Davis of Jasper	Oliver
Deglandon	Patterson of Mills
England	Petsch
Fielden	Powell
Fuchs	Reader
Gibson	Rhodes
Hamilton	Ross
Hankamer	Russell
Hanna	Schuenemann
Harbin	Sewell
Harper	Smith of Hopkins
Heflin	Stevenson
Herzik	Stocks
Hoskins	Tennant
Huddleston	Thornton
Hyder	Waggoner
Jackson	Westbrook
James	Wood

Nays—45

Amos	King
Bates	Lanning
Blankenship	Leyendecker
Boyer	Little
Carssow	Loggins
Colquitt	Lucas
Davisson	Mann
of Eastland	Mauritz
Farmer	Mays
Fox	McConnell
Harrell	Nicholson
Harris of Dallas	Palmer
Holland	Patterson
Jones of Angelina	of Travis
Keith	Prescott
Kelt	Quinn
Kern	Ragsdale

Reed of Bowie	Smith of Tarrant
Reed of Dallas	Talbert
Settle	Tarwater
Sharpe	Walker
Simpson	Weldon
Skaggs	Worley
Smith	
of Matagorda	

Absent

Celaya	Leath
Davis of Haskell	McFarland
Dean	Morse
Dickison	Pope
Dollins	Riddle
Felty	Rutta
Harris of Archer	Shell
Hartzog	Stinson
Howard	Tennyson
Hull	Vale
Jones of Atascosa	Winfree

Absent—Excused

Bell	Jones of Falls
Davison of Fisher	McCracken
Derden	Metcalfe
Graves	Roark
Hardin	Thornberry
Harris of Dickens	

Question then recurring on the adoption of the report, yeas and nays were demanded.

The report was adopted by the following vote:

Yeas—82

Adkins	Harbin
Alexander	Harper
Baker	Harris of Archer
Beckworth	Hartzog
Boethel	Heflin
Bond	Herzik
Bradbury	Holland
Bradford	Hoskins
Broadfoot	Huddleston
Bridgers	Hull
Brown	Hyder
Burton	Jackson
Callan	James
Cauthorn	Johnson of Ellis
Cleveland	Johnson
Davis of Jasper	of Tarrant
Davisson	Jones of Wise
of Eastland	Keefe
Deglandon	Knetsch
England	Langdon
Farmer	Lankford
Fielden	Lanning
Fox	London
Fuchs	Lucas
Gibson	Mays
Hamilton	McDonald
Hankamer	Moffett

Monkhouse	Sharpe
Morris	Shell
Newton	Smith of Hopkins
Oliver	Smith of Tarrant
Patterson of Mills	Stocks
Petsch	Talbert
Powell	Tennant
Prescott	Tennyson
Quinn	Thornton
Reader	Waggoner
Ross	Weldon
Russell	Westbrook
Rutta	Winfree
Schuenemann	Wood
Sewell	Worley

Nays—41

Alsup	Mauritz
Amos	McConnell
Bates	McKee
Blankenship	Morse
Boyer	Nicholson
Cagle	Palmer
Carssow	Patterson
Cathey	of Travis
Colquitt	Pope
Hanna	Ragsdale
Harrell	Reed of Bowie
Harris of Dallas	Reed of Dallas
Jones of Angelina	Settle
Keith	Simpson
Kelt	Skaggs
Kenyon	Smith
Kern	of Matagorda
King	Stevenson
Leyendecker	Stinson
Little	Tarwater
Loggins	Walker
Mann	

Absent

Celaya	Leath
Davis of Haskell	Leonard
Dean	McFarland
Dickison	McKinney
Dollins	Rhodes
Felty	Riddle
Howard	Vale
Jones of Atascosa	

Absent—Excused

Bell	Jones of Falls
Davison of Fisher	McCracken
Derden	Metcalfe
Graves	Roark
Hardin	Thornberry
Harris of Dickens	

Mr. Morris moved to reconsider the vote by which the report was adopted, and to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—78

Adkins	Johnson
Alexander	of Tarrant
Baker	Jones of Wise
Beckworth	Keefe
Blankenship	Langdon
Boethel	Lankford
Bond	London
Bradbury	Lucas
Bradford	Mauritz
Broadfoot	Mays
Brown	McDonald
Burton	Moffett
Cagle	Monkhouse
Callan	Morris
Cauthorn	Newton
Cleveland	Oliver
Davis of Jasper	Petsch
Davisson	Powell
of Eastland	Reader
Deglandon	Rhodes
England	Riddle
Farmer	Ross
Fielden	Russell
Fox	Rutta
Fuchs	Schuenemann
Gibson	Sewell
Hamilton	Sharpe
Hankamer	Shell
Harbin	Smith of Hopkins
Harper	Smith of Tarrant
Hartzog	Stocks
Heflin	Tennant
Herzik	Tennyson
Hoskins	Thornton
Hull	Waggoner
Hyder	Walker
Huddleston	Weldon
James	Westbrook
Jackson	Winfree
Johnson of Ellis	Wood

Nays—41

Alsup	Leyendecker
Amos	Little
Bates	Loggins
Boyer	Mann
Carssow	McConnell
Cathey	McKee
Colquitt	Nicholson
Hanna	Palmer
Harrell	Patterson
Harris of Dallas	of Travis
Holland	Pope
Jones of Angelina	Prescott
Kelt	Quinn
Kenyon	Ragsdale
Kern	Reed of Bowie
King	Reed of Dallas
Lanning	Settle

Simpson
Skaggs
Smith
of Matagorda
Stevenson

Stinson
Talbert
Tarwater
Worley

Absent

Bridgers
Celaya
Davis of Haskell
Dean
Dickison
Dollins
Felty
Harris of Archer
Howard
Jones of Atascosa

Keith
Knetsch
Leath
Leonard
McFarland
McKinney
Morse
Patterson of Mills
Vale

Absent—Excused

Bell
Davison of Fisher
Derden
Graves
Hardin
Harris of Dickens

Jones of Falls
McCracken
Metcalf
Roark
Thornberry

REASONS FOR VOTE

I voted against adopting conference report on House Bill No. 24 for the reason that I doubt if the Federal Government will approve this bill, and I believe that a tax diversion of 6c would be inadequate to accomplish any good without Federal Cooperation, therefore I believe this Act should have become void, provided the Federal Government refused to cooperate.

KELT.

While I do not favor all the principles embodied in the conference committee report on House Bill No. 24, the soil conservation bill, and particularly that which limits watersheds to no more than three counties, I think it best to get some statute on the books in order to attempt to qualify for Federal aid. Defects in the present law may be amended at future sessions, consequently I voted for the adoption of the conference committee report.

HOLLAND.

I am one hundred per cent for a proper soil conservation program. But Mr. Tom C. Hofner, valued and respected citizen of my district, and an executive director of the Texas Farm Program, and other Texas farm leaders as well as leading agricultural men of the House, advise that the conference committee report on House Bill No. 24 is dangerous and that it

is doubtful it will produce the desired results. Consequently, not unlike Representative A. B. Tarwater, Chairman of the House Committee on Agriculture, and in accord with the opinions of the Texas agricultural leaders, I opposed the report and voted against it.

McCONNELL.

We voted "no" on conference report on House Bill No. 24 because I think the bill as written will not be satisfactory for cooperation with the Federal Soil Conservation program and will not receive Federal money.

TARWATER,
RAGSDALE,
LOGGINS.

(Speaker in the Chair.)

RELATIVE TO SENATE BILL
NO. 389

Mr. Talbert moved that all necessary Rules be suspended for the purpose of taking up and considering Senate Bill No. 389.

The motion prevailed by the following vote:

Yeas—85

Adkins	Huddleston
Alsup	Hull
Amos	Hyder
Bates	Jackson
Beckworth	Johnson of Ellis
Blankenship	Johnson
Bond	of Tarrant
Boyer	Jones of Angelina
Bradbury	Jones of Atascosa
Bradford	Keefe
Broadfoot	Kelt
Brown	Kern
Callan	Knetsch
Carsow	Langdon
Cathey	Leath
Cauthorn	Leonard
Celaya	Little
Davis of Jasper	Loggins
Davisson	Lucas
of Eastland	Mann
England	Mays
Fielden	McConnell
Fuchs	McDonald
Gibson	McKee
Hankamer	McKinney
Hanna	Moffett
Harper	Monkhouse
Harrell	Morris
Harris of Dallas	Morse
Hartzog	Newton
Heflin	Oliver
Herzik	Patterson
Holland	of Travis

Pope	Smith of Tarrant
Ragsdale	Stinson
Reader	Talbert
Reed of Dallas	Tarwater
Rhodes	Tennant
Rutta	Thornton
Schuenemann	Vale
Sewell	Weldon
Simpson	Westbrook
Skaggs	Winfree
Smith	Wood
of Matagorda	

Nays—32

Alexander	Kenyon
Boethel	Lankford
Bridgers	Lanning
Burton	Leyendecker
Cagle	Mauritz
Colquitt	Nicholson
Deglandon	Palmer
Dollins	Petsch
Farmer	Powell
Fox	Prescott
Graves	Reed of Bowie
Hamilton	Russell
Harris of Archer	Stevenson
Hoskins	Stocks
James	Waggoner
Jones of Wise	Walker

Absent

Baker	McFarland
Cleveland	Patterson of Mills
Davis of Haskell	Quinn
Dean	Riddle
Dickison	Ross
Felty	Settle
Harbin	Sharpe
Howard	Shell
Keith	Smith of Hopkins
King	Tennyson
London	Worley

Absent—Excused

Bell	Jones of Falls
Davison of Fisher	McCracken
Derden	Metcalfe
Hardin	Roark
Harris of Dickens	Thornberry

ADDRESS BY DR. T. V. SMITH

In accordance with the resolution adopted on this morning, inviting Dr. T. V. Smith to address the House, Speaker Calvert presented Mr. Jones of Wise who in turn introduced Dr. T. V. Smith to the House.

Dr. Smith then addressed the House.

On motion of Mr. England, the address, as delivered by Dr. Smith, was ordered printed in the Journal.

(Note: Copy of address was not available.)

INSTRUCTING THE ENROLLING CLERK OF THE SENATE TO MAKE CERTAIN ADDITION IN SENATE BILL NO. 140

Mr. Graves offered the following resolution:

H. C. R. No. 146, Instructing the Enrolling Clerk of the Senate to make certain additions in Senate Bill No. 140.

Whereas, Through error a certain item under the State Home for Dependent and Neglected Children at Waco, Texas, was omitted in the conference committee report on Senate Bill No. 140 by the conference committee appointed to adjust the differences between the two Houses on said bill; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Enrolling Clerk of the Senate be instructed to insert the following item in Senate Bill No. 140 under the appropriation for the State Home for Dependent and Neglected Children at Waco:

"41 (a) Watchman,
day \$600.00 \$600.00".

The resolution was read second time, and was adopted.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 838

Mr. Graves, Chairman, submitted the following Conference Committee Report on House Bill No. 838:

Committee Room,

Austin, Texas, May 19, 1937.

Hon. Walter F. Woodul, President of the Senate.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the two Houses in House Bill No. 838, beg leave to report that we have had same under consideration, and recommend that it do pass in the form and text attached hereto.

Respectfully submitted,

REDDITT,
HEAD,

WEINERT,
SMALL,
On the part of the Senate.
GRAVES,
REED of Dallas,
JONES of Falls,
CAGLE,
On the part of the House.
By Mr. Graves:
H. B. No. 838,
A BILL
To Be Entitled
An Act making an appropriation for
the support and maintenance of the
Judiciary of the State of Texas for
the biennium beginning September
1, 1937, and ending August 31,
1939; requiring certain fees paid to

clerks or officers of all Appellate
Courts to be deposited monthly in
the State Treasury; prescribing
certain rules and restrictions re-
specting the expenditures of ap-
propriations made herein; suspend-
ing all laws in conflict herewith;
declaring the invalidity of any por-
tion of this Act shall not affect any
other portion, and declaring an
emergency.

Be It Enacted by the Legislature of
the State of Texas:

Section 1. That the several sums
of money herein specified, or so much
thereof as may be necessary, are
hereby appropriated out of any
moneys in the State Treasury not
otherwise appropriated, for the pur-
pose herein indicated, as follows:

COURT OF CIVIL APPEALS

First District, Galveston

	For the Years Ending August 31, August 31, 1938 1939	
1. Salaries of three judges at \$6,500.00 each per year	\$19,500.00	\$19,500.00
2. Salary of clerk	4,000.00	4,000.00
3. Salaries of deputy clerks and/or law clerks and/or stenographers	3,420.00	3,420.00
4. Salary of porter	750.00	750.00
5. Fuel, lights, water, equipment, maintenance and contingent expenses	650.00	650.00
6. Books for library	625.00	625.00
Total	\$28,945.00	\$28,945.00

COURT OF CIVIL APPEALS

Second District, Fort Worth, Texas

	For the Years Ending August 31, August 31, 1938 1939	
1. Salaries of three judges at \$6,500.00 each per year	\$19,500.00	\$19,500.00
2. Salary of clerk	4,000.00	4,000.00
3. Salaries of deputy clerks and/or clerks and/or stenographers	3,420.00	3,420.00
4. Salary of porter	720.00	720.00
5. Equipment, maintenance and contingent expenses	500.00	500.00
6. Books for library	625.00	625.00
Total	\$28,765.00	\$28,765.00

COURT OF CIVIL APPEALS

Third District, Austin, Texas

	For the Years Ending	
	August 31, 1938	August 31, 1939
1. Salaries of three judges at \$6,500.00 each per year	\$19,500.00	\$19,500.00
2. Salary of clerk	4,000.00	4,000.00
3. Salaries of deputy clerks and/or law clerks and/or stenographers	3,420.00	3,420.00
4. Salary of porter	720.00	720.00
5. Equipment, maintenance and contingent expenses	900.00	600.00
6. Books for library	400.00	400.00
7. Covering consultation room	200.00	
Total	\$29,140.00	\$28,640.00

COURT OF CIVIL APPEALS

Fourth District, San Antonio, Texas

	For the Years Ending	
	August 31, 1938	August 31, 1939
1. Salaries of three judges at \$6,500.00 each per year	\$19,500.00	\$19,500.00
2. Salary of clerk	4,000.00	4,000.00
3. Salaries of deputy clerks and/or law clerks and/or stenographers	3,420.00	3,420.00
4. Salary of porter	720.00	720.00
5. Equipment, maintenance and contingent expenses	500.00	500.00
6. Books for library	625.00	625.00
Total	\$28,765.00	\$28,765.00

COURT OF CIVIL APPEALS

Fifth District, Dallas, Texas

	For the Years Ending	
	August 31, 1938	August 31, 1939
1. Salaries of three judges at \$6,500.00 each per year	\$19,500.00	\$19,500.00
2. Salary of clerk	4,000.00	4,000.00
3. Salaries of deputy clerks and/or law clerks and/or stenographers	3,420.00	3,420.00
4. Salary of porter	720.00	720.00
5. Equipment, maintenance and contingent expenses	500.00	500.00
6. Books for library	625.00	625.00
Total	\$28,765.00	\$28,765.00

COURT OF CIVIL APPEALS

Sixth District, Texarkana, Texas

	For the Years Ending	
	August 31, 1938	August 31, 1939
1. Salaries of three judges at \$6,500.00 each per year	\$19,500.00	\$19,500.00
2. Salary of clerk	4,000.00	4,000.00
3. Salaries of deputy clerks and/or law clerks and/or stenographers	3,420.00	3,420.00
4. Salary of porter	720.00	720.00
5. Light, fuel, equipment, maintenance and contingent expenses	725.00	725.00
6. Books for library	625.00	625.00
Total	\$28,990.00	\$28,990.00

COURT OF CIVIL APPEALS

Seventh District, Amarillo, Texas

	For the Years Ending	
	August 31, 1938	August 31, 1939
1. Salaries of three judges at \$6,500.00 each per year	\$19,500.00	\$19,500.00
2. Salary of clerk	4,000.00	4,000.00
3. Salaries of deputy clerks and/or law clerks and/or stenographers	3,420.00	3,420.00
4. Salary of porter	750.00	750.00
5. Equipment, maintenance and contingent expenses..	500.00	500.00
6. Books for library	625.00	625.00
Total	\$28,795.00	\$28,795.00

COURT OF CIVIL APPEALS

Eighth District, El Paso, Texas

	For the Years Ending	
	August 31, 1938	August 31, 1939
1. Salaries of three judges at \$6,500.00 each per year	\$19,500.00	\$19,500.00
2. Salary of clerk	4,000.00	4,000.00
3. Salaries of deputy clerks and/or law clerks and/or stenographers	3,420.00	3,420.00
4. Salary of porter	750.00	750.00
5. Equipment, maintenance and contingent expenses..	500.00	500.00
6. Books for library	625.00	625.00
Total	\$28,795.00	\$28,795.00

COURT OF CIVIL APPEALS
Ninth District, Beaumont, Texas

		For the Years Ending	
		August 31, 1938	August 31, 1939
1.	Salaries of three judges at \$6,500.00 each per year	\$19,500.00	\$19,500.00
2.	Salaries of deputy clerks and/or law clerks and/or stenographers	3,420.00	3,420.00
3.	Salary of clerk	4,000.00	4,000.00
4.	Salary of porter	720.00	720.00
5.	Equipment, maintenance and contingent expenses..	500.00	500.00
6.	Books for library	625.00	625.00
Total		\$28,765.00	\$28,765.00

COURT OF CIVIL APPEALS
Tenth District, Waco, Texas

		For the Years Ending	
		August 31, 1938	August 31, 1939
1.	Salaries of three judges at \$6,500.00 each per year	\$19,500.00	\$19,500.00
1a.	Salary of one special commissioner	6,500.00	6,500.00
2.	Salary of clerk	4,000.00	4,000.00
3.	Salaries of deputy clerks and/or law clerks and/or stenographers	3,420.00	3,420.00
4.	Salary of porter	720.00	720.00
5.	Equipment, maintenance and contingent expenses..	500.00	500.00
6.	Books for library, repairs to furniture	950.00	950.00
Total		\$35,590.00	\$35,590.00

COURT OF CIVIL APPEALS
Eleventh District, Eastland, Texas

		For the Years Ending	
		August 31, 1938	August 31, 1939
1.	Salaries of three judges at \$6,500.00 each per year	\$19,500.00	\$19,500.00
2.	Salary of clerk	4,000.00	4,000.00
3.	Salaries of deputy clerks and/or law clerks and/or stenographers	3,420.00	3,420.00
4.	Salary of porter	720.00	720.00
5.	Equipment, maintenance and contingent expenses..	500.00	500.00
6.	Books for library	625.00	625.00
Total		\$28,765.00	\$28,765.00
Traveling expenses of judges of Courts of Civil Appeals when sitting in other districts.....		\$ 1,500.00	\$ 1,500.00

**SUPREME COURT AND SUPREME COURT COMMISSION OF
APPEALS, SECTIONS A AND B**

		For the Years Ending	
		August 31, 1938	August 31, 1939
1.	Salaries of three judges of Supreme Court at \$8,000.00 each per year	\$ 24,000.00	\$ 24,000.00

2. Salaries of six judges of Supreme Court Commission of Appeals, Sections A and B at \$7,500.00 each per year	45,000.00	45,000.00
3. Salary of clerk of Supreme Court, including salary for services to Commission of Appeals....	5,400.00	5,400.00
4. Salary of reporter	3,600.00	3,600.00
5. Salaries of two briefing clerks and law clerk-secretaries to the Supreme Court, one not to exceed \$3,000 per year, one not to exceed \$2,750.00 per year; and two law clerk-secretaries to the Supreme Court not to exceed \$2,400 each per year; and four law clerk-secretaries to the Commission of Appeals at not more than \$1,800 each per year	21,600.00	21,600.00
6. Salary of marshall and assistant librarian	2,100.00	2,100.00
7. Salary of two porters at \$720 each per year and salary of one porter and record room clerk at \$1,000 per year	2,440.00	2,440.00
8. Salary of one deputy who shall also act as secretary to the Board of Legal Examiners, not to exceed \$3,300 per year, and three deputies not to exceed \$2,700 each per year to be determined by the Clerk with the consent of the Court	11,400.00	11,400.00
9. One deputy clerk and assistant secretary to the Board of Legal Examiners at \$2,100 per year ..	2,100.00	2,100.00
10. Printing, postage, express, books, rebinding, repairs, furniture, equipment, cases and contingent expenses	5,000.00	5,000.00
Total	\$122,640.00	\$122,640.00

**COURT OF CRIMINAL APPEALS AND COMMISSION IN AID OF
COURT OF CRIMINAL APPEALS**

	For the Years Ending August 31, August 31, 1938 1939	
1. Salaries of three judges at \$8,000 each per year. \$	24,000.00	\$ 24,000.00
2. Salaries of two judges of Commission in Aid of Court of Criminal Appeals at \$7,500 each per year	15,000.00	15,000.00
3. Salary of clerk	4,500.00	4,500.00
4. Salary of bailiff	2,400.00	2,400.00
5. Salaries of briefing clerks and of law clerk-secretaries, who also do legal research work for the Court of Criminal Appeals and the Commission in Aid of the Court; salaries of briefing clerks not to exceed \$2,400 each per year and of law clerk-secretaries not to exceed \$2,100 each per year	9,000.00	9,000.00
6. Salary of Court Reporter	4,000.00	4,000.00
6a. Salary Secretary-Clerk Court Reporter	1,800.00	1,800.00

7. Salary of porter	720.00	720.00
8. Postage, telephone, box rent, record books, stationery, furniture, filing cases, filing envelopes, typewriters, pictures of deceased judges and contingent expenses	2,000.00	2,000.00
Total	\$ 63,420.00	\$ 63,420.00

STATE PROSECUTING ATTORNEY BEFORE THE COURT OF
CRIMINAL APPEALS

	For the Years Ending August 31, August 31, 1938 1939	
1. Salary of attorney	\$6,000.00	\$6,000.00
2. Salary of secretary and law clerk	2,100.00	2,100.00
3. Law books, telephone, postage, furniture, supplies, equipment, and contingent expenses.....	750.00	750.00
Total	\$8,850.00	\$8,850.00

JUDICIARY SECTION — COMPTROLLER'S DEPARTMENT

	For the Years Ending August 31, August 31, 1938 1939	
1. Salaries of 128 District Judges and Criminal District Judges at \$5,000 each per year.....	\$640,000.00	\$640,000.00
2. Salaries, including the \$500 Constitutional allowance of 52 District Attorneys at \$4,000 per year (as per Chapter 442, Second Called Session, Forty-fourth Legislature)	208,000.00	208,000.00
3. Salary of Criminal District Attorney in districts composed of two or more counties (Section 18, Chapter 465, Forty-fourth Legislature)	4,500.00	4,500.00
4. Salary of District Attorney of 34th District (El Paso)	5,500.00	5,500.00
5. Salary of Assistant District Attorney of 34th District (El Paso)	2,700.00	2,700.00
6. Salaries of Assistant District Attorneys of 53rd District (Travis County), first Assistant at \$2,700 per year	5,700.00	5,700.00
7. Salary of Assistant District Attorney of Special 9th District (H. B. No. 142, First Called Session of Forty-third Legislature).....	2,750.00	2,750.00
8. Salary of one Assistant District Attorney or one investigator in 49th District	1,800.00	1,800.00
9. Compensation of one Assistant District Attorney or one special investigator for each of the following Judicial Districts: 49th, 53rd, 30th and 72nd; total of 4 assistants at \$1,800.00 each per year	7,200.00	7,200.00
9a. Salary of Assistant District Attorney in 47th District	2,510.00	2,510.00

10.	Salary of Assistant District Attorney of 22nd District (per Article 326K-3, Revised Civil Statutes of Texas, 1925)	3,600.00	3,600.00
11.	District Judges and District Attorneys expenses in districts composed of two or more counties (per Article 6820, Revised Civil Statutes of Texas, 1925) payable quarterly.....	47,400.00	47,400.00
12.	Special District Judges' salaries and regular District Judges' expenses when holding Court out of their districts	7,500.00	7,500.00
13.	Transcript fees to official court reporters for narrative statement of facts and/or in cases where court is required and does appoint attorney to represent defendant in criminal action, and when official reporter is required and does furnish defendant's attorney with transcript of his notes as is provided by law.....	1,000.00	1,000.00
14.	Fees and cost of officials in cases of escheated estates, including accrued fees	50.00	50.00
15.	Fees and cost of Sheriffs, Attorneys and clerks in felony cases, and fees of County Judges, County Attorneys, Justices of the Peace, Sheriffs and Constables in examining trials where indictments are returned	218,546.00	218,546.00
16.	Apportionment to counties where county officers are paid salaries. (per Chapter 465, Section 6a, Second Called Session, Acts, Forty-fourth Legislature)	436,090.00	436,090.00
17.	Apportionments to counties where county officers are paid salaries and where there is a Criminal District Attorney or County Attorney performing the duties of District Attorneys (for 33 counties; per subsection B, Section 13, Chapter 465, Acts, Forty-fourth Legislature)	146,429.00	146,429.00
18.	Expenses of attached witnesses, witness fees, and mileage allowed witnesses in felony cases where the witness lives outside the county where the case is being tried	210,000.00	210,000.00
19.	Special Judges of Supreme Court, Court of Criminal Appeals and Civil Appeals, where regular Judges are disqualified and where special Judges are appointed; per diem to be same as regular District Judge receives....	1,200.00	1,200.00
20.	Expenses of Civil Judicial Council (per Senate Bill No. 52, First Called Session, Forty-first Legislature)	1,350.00	1,350.00
21.	Traveling expenses of Judges of Courts of Civil Appeals when sitting in other districts..	1,500.00	1,500.00
Total		\$1,955,325.00	\$1,955,325.00

General Provisions—Judiciary

Sec. 2. All amounts appropriated in this Act for law books, or expended therefor under authority of this Act, shall be paid out of the General Fund and the special accounts in the General Revenue Fund as hereinafter provided. In accordance with the provisions of Chapter 104 of the printed General Laws of the Regular Session of the Forty-fourth Legislature, the several Courts of Civil Appeals are hereby authorized to purchase additional law books out of their local receipts, and there are hereby appropriated to each of said courts for such purposes for each of the fiscal years ending August 31, 1938, and August 31, 1939, the sum of Six Hundred and Twenty-five (\$625.00) Dollars out of their local receipts in addition to the specific amounts herein appropriated for library books for said courts; provided further, and in accordance with said law that any of said Courts of Civil Appeals receiving a specific appropriation of less than \$625.00 per year for library books shall not expend from said local receipts more than the said specific amount herein appropriated.

Sec. 3. The salaries of all deputy clerks, law clerks, law clerk-secretaries, briefing clerks, secretaries and stenographers for whom appropriations are made in this Act in lump sums shall be fixed by the several courts at not exceeding the amounts specified herein. However, if any such employee's services are not needed or used his salary shall not be used to supplement other employee's salaries.

Sec. 4. All fees paid to any court for which appropriations are made herein or to any of the clerks, officers or employees of any such court, whether such fees are for official or unofficial copies of opinions, carbon copies, or for other services or documents, shall be deposited at the close of each month in the General Revenue Fund of the State Treasury and shall be carried as a special account in said fund for the court depositing same, and none of such fees shall be retained by or paid to said clerks, officers or employees. Each court employee whose salary is provided for herein, except porters, shall file, with such court monthly payroll and with the Comptroller at the end of each month an affidavit showing that he has not retained any compensation out

of any court fees or other fees received by him or the court during the previous month and showing that all such fees have been deposited in the State Treasury. The Comptroller shall not issue a warrant in payment of the salary of any such employee for any month unless and until the affidavit required herein has been filed for said previous month.

Sec. 5 (a). Appropriations made in this Act are intended to be, and shall be, construed as being the maximum sums, respectively, except the extra amounts for library books herein provided, which may be used in any way for the purposes or objects named in the Act, and obligations shall not be incurred in any case which, when the amount thereof added to expenditures actually made, will exceed such maximum sum; and no surplus shall be diverted from one appropriation to another.

(b). All printing and stationery shall be purchased through the Board of Control and shall be confined to such articles and qualities as selected and contracted for by the Board of Control.

(c). No account against any items of witness fees, County Attorneys', Justices' of Peace, Sheriffs', and Constables' fees, and costs of Sheriffs, Attorneys and Clerks in felony cases, shall be binding as an obligation against the State of Texas, until such account shall have been examined, audited, and approved by the State Comptroller, and no such account shall be paid by the State Treasurer until the same has been approved by the Comptroller.

(d). It shall be the duty of each of the Appellate Courts and judicial agencies of the State annually, and within sixty (60) days after the close of the State's fiscal year, to make a sworn statement to the Governor and the Board of Control of all amounts received and/or expended by said court and/or agency. A report from each court shall be filed annually for the calendar year with the Governor, and a copy thereof with the State Board of Control, showing the total number of cases filed in each court during the year, the number of cases transferred to and from each court, the number of cases disposed of with proper divisional classification as to total number of cases similarly disposed of, that is, by dismissal, final judgment, reversal, affirmance and

any other statistical data which may be required by the Governor or State Board of Control.

(e). Annual salaries provided for herein shall be paid in twelve (12) equal monthly installments.

(f) No funds appropriated in this bill shall be used to pay any expense of traveling outside the boundaries of the State of Texas except for returning fugitives on trips authorized by the Governor, or for payment (or reimbursement for payment) of any tip or gratuity whatsoever.

(g) Each officer, agent or employee of a court named in this Act and entitled to be paid a salary or other compensation out of any appropriation above made shall be paid by warrant and/or check issued in his or her name and specifically showing the amount of salary or sum due and the services for which the payment is being made (with date or dates and place or places of performance of such services) such warrant and/or check to be endorsed, before payment thereof, by such officer, agent or employee.

(h) Money appropriated above for stamps or postage shall be expended only upon warrants made payable to a Postmaster and endorsed by such Postmaster or his deputy or authorized clerk.

(i) That portion of every appropriation out of State funds or local receipts made herein which is unexpended at the close of the fiscal year for which the appropriation is

made shall immediately revert to and become a part of the General Revenue Fund. It is hereby provided that the word "unexpended" as used in this Act means "not disbursed nor contracted to be disbursed."

Section 6. All laws or parts of laws in conflict herewith are expressly suspended for the period of the biennium for which this appropriation is made.

Section 7. If any section, sentence, clause, or part of this Act shall, for any reason, be held to be invalid, such decision shall not affect the remaining portions of this Act, and it is hereby declared to be the intention of the Legislature to have passed each sentence, section, clause, or part thereof irrespective of the fact that any other sentence, section, clause or part thereof may be declared invalid.

Section 8. The fact that the above and foregoing is one of the regular appropriation bills to pay the salaries, support, maintenance and operation of the Judiciary and other important agencies of the State for the two (2) fiscal years beginning September 1, 1937, and ending August 31, 1939, and the crowded condition of the calendars of the two Houses of the Legislature, create an emergency and an imperative public necessity, requiring the Constitutional Rule that bills be read on three several days be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

RECAPITULATION

	For the Years Ending	
	August 31, 1938	August 31, 1939
Court of Civil Appeals, First District, Galveston.....	\$28,945.00	\$28,945.00
Court of Civil Appeals, Second District, Fort Worth..	28,765.00	28,765.00
Court of Civil Appeals, Third District, Austin.....	29,140.00	28,640.00
Court of Civil Appeals, Fourth District, San Antonio..	28,765.00	28,765.00
Court of Civil Appeals, Fifth District, Dallas.....	28,765.00	28,765.00
Court of Civil Appeals, Sixth District, Texarkana.....	28,990.00	28,990.00
Court of Civil Appeals, Seventh District, Amarillo.....	28,795.00	28,795.00
Court of Civil Appeals, Eighth District, El Paso.....	28,795.00	28,795.00
Court of Civil Appeals, Ninth District, Beaumont.....	28,765.00	28,765.00
Court of Civil Appeals, Tenth District, Waco.....	35,590.00	35,590.00
Court of Civil Appeals, Eleventh District, Eastland....	28,765.00	28,765.00

Traveling Expenses of Judges of Courts of Civil

Appeals when sitting in other districts.....	1,500.00	1,500.00
	<u>\$325,580.00</u>	<u>\$325,080.00</u>
Supreme Court and Supreme Court Commission of Appeals, Sections A. and B.	\$122,640.00	\$122,640.00
Court of Criminal Appeals and Commission in Aid of Court of Criminal Appeals; and State Prosecut- ing Attorney before Court of Criminal Appeals.....	72,270.00	72,270.00
Judiciary of Comptroller's Department	1,955,325.00	1,955,325.00
Grand Totals	<u>\$2,475,815.00</u>	<u>\$2,475,315.00</u>
Combined Grand Total		<u>\$4,951,130.00</u>

On motion of Mr. Graves, the report was adopted by the following vote:

Yeas—96

Adkins	Hoskins
Alexander	Hull
Alsup	Hyder
Baker	Jackson
Bates	Johnson
Blankenship	of Tarrant
Boethel	Jones of Angelina
Bond	Jones of Wise
Boyer	Keith
Bradbury	Kelt
Bradford	Kenyon
Bridgers	Knetsch
Brown	Langdon
Burton	Lankford
Callan	Leonard
Carssow	Leyendecker
Cathey	Little
Cauthorn	Loggins
Celaya	Mann
Davis of Jasper	McConnell
Davisson	McDonald
of Eastland	McKee
Deglandon	McKinney
Dollins	Monkhouse
England	Morris
Farmer	Newton
Fox	Oliver
Gibson	Palmer
Graves	Patterson of Mills
Hamilton	Patterson
Hankamer	of Travis
Harbin	Petsch
Harper	Pope
Harrell	Powell
Harris of Dallas	Quinn
Hartzog	Reed of Dallas
Heflin	Rhodes
Herzik	Riddle
Holland	Ross

Russell	Smith of Tarrant
Rutta	Stinson
Schuenemann	Stocks
Sewell	Talbert
Sharpe	Tennant
Shell	Thornton
Simpson	Vale
Skaggs	Waggoner
Smith of Hopkins	Weldon
Smith	Winfree
of Matagorda	Wood

Nays—16

Amos	King
Beckworth	Lanning
Colquitt	Lucas
Fielden	Moffett
Hanna	Prescott
James	Reed of Bowie
Johnson of Ellis	Stevenson
Kern	Tennyson

Present—Not Voting

Westbrook

Absent

Broadfoot	Leath
Cagle	London
Cleveland	Mauritz
Davis of Haskell	Mays
Dean	McFarland
Dickison	Morse
Felty	Nicholson
Fuchs	Ragsdale
Harris of Archer	Reader
Howard	Settle
Huddleston	Tarwater
Jones of Atascosa	Walker
Keefe	Worley

Absent—Excused

Bell	Derden
Davison of Fisher	Hardin

Harris of Dickens Metcalfe
Jones of Falls Roark
McCracken Thornberry

CONFERENCE COMMITTEE RE-
PORT ON SENATE BILL
NO. 499

Mr. Hyder submitted the following
Conference Committee Report on Sen-
ate Bill No. 499:

Committee Room,
Austin, Texas, May 20, 1937.
Hon. Walter F. Woodul, President of
the Senate,
and
Hon. Robert W. Calvert, Speaker of
the House of Representatives.

Sirs: We, your Conference Com-
mittee, appointed to adjust the differ-
ences between the two Houses on
Senate Bill No. 499, beg leave to re-
port that we have had same under
consideration, and recommend that it
do pass in the form and text attached
hereto.

Respectfully submitted,

SULAK,
WESTERFELD,
COLLIE,
WOODRUFF,
BROWNLEE,

On the part of the Senate.

McCONNELL,
HYDER,
RIDDLE,
NEWTON,
BELL,

On the part of the House.

S. B. No. 499

A BILL

To Be Entitled

An Act to provide for a more adequate
and equitable salary of County
Superintendents of Public Instruc-
tion in all those counties of the
State of Texas coming within the
brackets and population figures
herein named; providing for travel-
ing expenses and/or office expenses
for said officers; and repealing all
laws and parts of laws in conflict
herewith, and declaring an emer-
gency.

Be It Enacted by the Legislature of
the State of Texas:

Section 1. In all counties of the
State of Texas having a population
of not less than thirty-two thousand
eight hundred (32,800) and not more

than thirty-two thousand eight hun-
dred thirty (32,830), and in all coun-
ties having a population of not less
than twenty-four thousand (24,000)
and not more than twenty-four thou-
sand sixty-three (24,063), and in all
counties having a population of not
less than thirty-seven thousand nine
hundred (37,900) and not more than
thirty-seven thousand nine hundred
fifty (37,950), and in counties having
a population of not less than twenty-
seven thousand four hundred twenty-
five (27,425) and not more than
twenty-seven thousand four hundred
sixty (27,460), and in counties having
a population of not less than thirty-
one thousand three hundred twenty-
five (31,325) and not more than
thirty-one thousand four hundred
twenty-five (31,425), and in counties
having a population of not less than
forty-eight thousand five hundred
(48,500) and not more than forty-
eight thousand five hundred seventy-
five (48,575), and in counties having
a population of not less than eleven
thousand four hundred (11,400) and
not more than eleven thousand five
hundred (11,500), and in counties hav-
ing a population of not less than
seventeen thousand seven hundred
sixty (17,760) and not more than
seventeen thousand seven hundred
eighty (17,780), the salary of the
County Superintendent of Public In-
struction shall be not less than Two
Thousand Seven Hundred Fifty
(\$2,750.00) Dollars and not more than
Three Thousand (\$3,000.00) Dollars
per annum, the amount of which sal-
ary shall be fixed by the order of
the County Board of Education for the
respective counties, and the County
Board of Education for each of the
counties coming within this bill shall
by order entered in its minutes set
the salary for each of their respective
counties.

Section 2. In making the annual
per capita apportionment to the public
free schools, the County Board of
Education of each of the several coun-
ties mentioned in Section 1 of this
Act shall also make an annual allow-
ance out of the State and County
Available School Fund not exceeding
the sum of Three Thousand (\$3,000.00)
Dollars for the salary of the County
Superintendent of Public Instruction
and Six Hundred (\$600.00) Dollars
for traveling expenses incidental to
and necessary in the administration of
the County Superintendent's office an-

nually, and the same shall be prorated to the schools in said county in proportion to the scholastic population of each school district in each of said respective counties, and the Commissioners' Court of each of said counties may expend out of the General Fund of said counties not to exceed Three Hundred (\$300.00) Dollars per annum to defray the office expenses for stamps, stationery, telephone, and printing, incidental to and necessary in the efficient administration of the schools of said counties respectively.

Section 3. In all counties of the State of Texas having a population of not less than 16,550 nor more than 16,600 according to the last United States Federal Census, the salary of the County Superintendent of Public Instruction shall be fixed by order of the County Board of Education in and for such counties at an amount not less than Eighteen Hundred (\$1,800.00) Dollars per year nor more than Two Thousand Two Hundred and Fifty (\$2,250.00) Dollars per year, and said salary shall be exclusive of any and all traveling expenses allowed by law; and in all counties having a population of not less than seventeen thousand five hundred sixty-five (17,565) nor more than seventeen thousand six hundred (17,600) according to the last preceding Federal Census, the salary of the County Superintendent of Public Instruction shall be fixed by order of the County Board of Education in and for such counties at an amount not less than Nineteen Hundred (\$1,900.00) Dollars per year nor more than Two Thousand Two Hundred and Fifty (\$2,250.00) Dollars per year, and said salary shall be exclusive of any and all traveling expenses allowed by law.

Section 4. The salary and traveling expenses provided for herein shall be paid monthly, upon the order of the County Board of Education; provided that the salary for the month of September shall not be paid until the said County Superintendent submits a certificate from the State Superintendent of Public Instruction showing that all reports required have been made to the State Department of Education. That the office expenses provided herein shall be paid by the County Treasurer on the order of the Commissioners' Court as said expenses may be incurred.

Section 5. All laws or parts of

laws heretofore enacted which are in conflict herewith, are hereby repealed.

Section 6. The fact that the County Superintendent of Public Instruction in each of the several counties named in this Act have numerous teachers and school districts that require much travel in the performance of the duties incumbent upon the office of the County Superintendent to execute efficiently a progressive school program in each of said counties, renders the said salary and expense allowances inadequate and out of proportion to the labor and responsibility attached to each of said offices, and creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be, and it is, hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

On motion of Mr. Hyder, the report was adopted by the following vote:

Yeas—115

Adkins	Harbin
Alexander	Harper
Alsup	Harrell
Amos	Harris of Archer
Baker	Hartzog
Bates	Heflin
Beckworth	Herzik
Blankenship	Holland
Boethel	Hoskins
Bond	Howard
Boyer	Huddleston
Bradbury	Hull
Bradford	Hyder
Bridgers	Jackson
Brown	James
Burton	Johnson of Ellis
Cagle	Johnson
Callan	of Tarrant
Cathey	Jones of Angelina
Cauthorn	Jones of Atascosa
Carssow	Jones of Wise
Cleveland	Keefe
Colquitt	Kelt
Davis of Jasper	Kenyon
Davison of Fisher	Kern
Deglandon	King
Dollins	Knetsch
Farmer	Langdon
Fox	Lankford
Fuchs	Lanning
Gibson	Leonard
Graves	Leyendecker
Hamilton	Little
Hankamer	Loggins

London	Russell
Lucas	Rutta
Mann	Schuenemann
Mauritz	Settle
McConnell	Sewell
McKee	Sharpe
McKinney	Shell
Moffett	Simpson
Monkhouse	Skaggs
Morris	Smith of Hopkins
Newton	Smith
Nicholson	of Matagorda
Oliver	Smith of Tarrant
Palmer	Stinson
Patterson of Mills	Stocks
Patterson	Talbert
of Travis	Tarwater
Powell	Tennant
Prescott	Tennyson
Quinn	Thornton
Reed of Bowie	Vale
Reed of Dallas	Waggoner
Rhodes	Walker
Riddle	Weldon
Ross	Wood

Present—Not Voting

Westbrook

Absent

Broadfoot	Leath
Celaya	Mays
Davis of Haskell	McDonald
Davisson	McFarland
of Eastland	Morse
Dean	Petsch
Dickison	Pope
England	Ragsdale
Felty	Reader
Fielden	Stevenson
Hanna	Winfree
Harris of Dallas	Worley
Keith	

Absent—Excused

Bell	McCracken
Derden	Metcalfe
Hardin	Roark
Harris of Dickens	Thornberry
Jones of Falls	

RELATIVE TO HOUSE BILL NO. 1143

Mr. Carssow moved to reconsider the vote by which the House, on this morning, refused to concur in the Senate amendments to House Bill No. 1143.

Mr. Alsop moved to table the motion by Mr. Carssow.

The motion to table prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 179

Mr. Waggoner, Chairman, submitted the following Conference Committee Report on Senate Bill No. 179:

Committee Room,

Austin, Texas, May 17, 1937.

Hon. Walter F. Woodul, President of the Senate.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the House and Senate on Senate Bill No. 179, recommend that the bill be passed in form and text as submitted herewith.

Respectfully submitted,

HEAD,
WINFIELD,
REDDITT,
NEWTON,
SULAK,

On the part of the Senate.

WAGGONER,
HERZIK,
WOOD,
ROSS,
KERN,

On the part of the House.

S. B. No. 179,

A BILL

To Be Entitled

An Act making appropriations to pay miscellaneous claims out of the General Fund; authorizing the payment of certain sums out of the State Board of Hairdressers and Cosmetology Funds; making appropriations to the Governor to pay expenses of returning fugitives on Governor's requisitions; authorizing the payment of certain sums out of the Highway Fund; provided further that before payment of any claim shall be paid from funds hereby appropriated the same shall have the approval of the State Comptroller, the State Auditor and Efficiency Expert, and the Attorney General and provided further that any claim involving the refund of a franchise tax shall also carry the approval of the Secretary of State in addition to the other

officials herein named, and declaring an emergency.

Be It Enacted by the Legislature of the State of Texas:

Section 1. That the following sums

of money, or so much thereof as may be necessary, be and the same are hereby appropriated to be paid out of the General Revenue Fund to pay miscellaneous claims against the State of Texas as herein enumerated:

To pay B. T. Killens, Rusk, Texas, % Citizens State Bank, Warrant No. 205624, dated August 2, 1933, on which payment is prohibited by the Statute of Limitation	\$ 40.00
To pay B. T. Killens, Rusk, Texas, Warrant No. 205674, dated August 2, 1933, % Citizens State Bank, on which payment is prohibited by the Statute of Limitation	35.00
To pay Horace Wells, Amarillo, Texas, Warrant No. 137550, dated April 6, 1933, on which payment is prohibited by the Statute of Limitation	4.40
To pay St. Louis Universal Press, Warrant No. 123835, dated April 26, 1932, on which payment is prohibited by the Statute of Limitation (St. Louis University, St. Louis, Missouri)	1.35
To pay Runge Karnes Co. News, Warrant No. 84652, dated January 20, 1933, on which payment is prohibited by the Statute of Limitation	2.00
To pay First National Bank, Floresville, Texas, Warrant No. 157737, dated June 19, 1934, on which payment is prohibited by the Statute of Limitation	30.00
To pay N. Moore, Warrant No. 188742, dated July 1, 1933, on which payment is prohibited by the Statute of Limitation	186.62
To pay Will H. Doran, Warrant No. 193031, dated July 12, 1933, on which payment is prohibited by the Statute of Limitation	1.00
To pay First National Bank, Malakoff, Texas, Warrant No. 215691, dated August 23, 1933 on which payment is prohibited by the Statute of Limitation	400.44
To pay Gladys Shields, Warrant No. 145701, dated May 31, 1934, on which payment is prohibited by the Statute of Limitation	56.23
To pay Gladys Shields, Warrant No. 126829, dated April 30, 1934, on which payment is prohibited by the Statute of Limitation	56.25
To pay Tempo Books Inc., 580 5th Avenue, New York City, Warrant No. 179055, dated July 15, 1933, on which payment is prohibited by the Statute of Limitation	13.50
To pay Dempster Mill Manufacturing Co., Beatrice, Nebraska, Warrant No. 176277, dated June 7, 1933, on which payment is prohibited by the Statute of Limitation	0.93
To pay American Water Works Association, 29 West 39th St., New York City, Warrant No. 192845, dated July 12, 1933 on which payment is prohibited by the Statute of Limitation	2.50
To pay City National Bank, Wichita Falls, Texas, Warrant No. 149460 dated May 31, 1934, on which payment is prohibited by the Statute of Limitation	6.97
To pay National Research Council, 2101 Constitution Avenue, Washington, D. C., Warrant No. 66493, dated December 21, 1934, on which payment is prohibited by the Statute of Limitation	2.80

HOUSE JOURNAL

3365

To pay Plymouth Press, 1701 West 74th St., Chicago, Illinois, Warrant No. 62366, dated September 8, 1933 on which payment is prohibited by the Statute of Limitation.....	0.66
To pay Modern Language Association of America, 100 Washington Square, New York City, Warrant No. 79077, dated January 12, 1933 on which payment is prohibited by the Statute of Limitation	2.34
To pay North Texas Coach Co., 608 Travis Avenue, Wichita Falls, Texas, Warrant No. 209705, dated August 11, 1933, on which payment is prohibited by the Statute of Limitation	1.00
To pay North Texas Coach Co., 608 Travis Avenue, Wichita Falls, Texas, Warrant No. 210439, dated August 14, 1933 on which payment is prohibited by the Statute of Limitation	294.25
To pay North Texas Coach Co., 608 Travis Avenue, Wichita Falls, Texas, Warrant No. 210440, dated August 14, 1933, on which payment is prohibited by the Statute of Limitation.....	4.50
To pay J. C. Fuller, Acting as District Attorney, 83rd Judicial District for twenty (20) days service rendered in the District Court of Presidio County, Texas, at the January term of 1936, at \$10.96 per day	219.20
To pay M. O. Flowers, for service as special district judge of 22nd Judicial District, August 12 to August 15, 1935.....	43.80
To pay Louis Roberson, Sheriff of Reeves Co., Texas, for fees in felony cases in the District Court of Reeves County, Texas, January term A. D., 1934.....	139.80
To pay Mrs. Virgie Scurlock, St. Augustine, Texas, witness fee in the case of State of Texas vs. Eron Harris in the District Court of Shelby County, Texas, 123rd Judicial District.....	7.40
To pay the Steck Co., Austin, Texas, Account of the State Board of Dental Examiners	87.60
To pay Texas Prison System for motor license plates furnished by the Prison System to the Railroad Commission.....	256.50
To pay John C. Browder, Warrant No. 15630, dated August 2, 1933, on which payment is prohibited by the Statute of Limitation.....	132.00
To pay the W. S. Tyler Co., Warrant No. 61364, dated December 18, 1931, on which payment is prohibited by the Statute of Limitation	5.67
To pay Oliver Burleson, Warrant No. 115741, dated March 23, 1934, on which payment is prohibited by the Statute of Limitation....	3.60
To pay J. E. Hickman, Warrant No. 60997, dated December 20, 1932, which was lost or destroyed, and on which payment is prohibited by the Statute of Limitation	583.33
To pay Quitman Independent School District of Wood County, Texas, Warrant No. 157722, dated June ..., 1934, on which payment is prohibited by the Statute of Limitation	921.00
To pay Big Sandy Independent School District of Upshur County, Texas, Warrant No. 216023, dated August 23, 1933 on which payment is prohibited by the Statute of Limitation.....	22.00
To pay Gilmer Lumber Company, Upshur County, Gilmer, Texas, Warrant No. 213733 dated August 21, 1933 on which payment is prohibited by the Statute of Limitation	19.03

To pay Forney Henry, Slaton, Texas, Warrant No. 170744, dated July 11, 1934 on which payment is prohibited by the Statute of Limitation	34.00
To pay First National Bank, Huntsville, Warrant No. 168009, dated May 31, 1933, on which payment is prohibited by the Statute of Limitation	66.71
To pay Webster Publishing Co., St. Louis, Missouri, Warrant No. 137842 dated May 7, 1934, on which payment is prohibited by the Statute of Limitation	6.41
To pay Webster Publishing Co., St. Louis, Missouri, Warrant No. 175750, dated June 6, 1933, on which payment is prohibited by the Statute of Limitation	11.20
To pay Morgan Dolive, Oakhurst, Texas, Warrant No. 199288, dated June 24, 1933, on which payment is prohibited by the Statute of Limitation	5.92
To pay R. R. C. Hargrove, Marshall, Texas, Deficiency Certificate No. 1037, dated September 10, 1929, appropriation exhausted	45.00
To pay Albert Pierce, Marshall, Texas, Deficiency Certificate No. 1993, dated August 7, 1930, appropriation exhausted	72.00
To pay U. S. Postmaster, Capitol Station, Austin, Texas, Deficiency Warrant No. 16743, dated June 24, 1936, appropriation exhausted	500.00
To pay First National Bank, Honey Grove, Texas, Warrant No. 76568, dated December 2, 1932 on which payment is prohibited by the Statute of Limitation	3.48
To pay Fillmore Music House, 528 Elm Street, Cincinnati, Ohio, Warrant No. 80682, dated January 24, 1934, on which payment is prohibited by the Statute of Limitation	20.83
To pay J. D. Barker, Canyon, Texas, Warrant No. 150562, dated June 1, 1934, on which payment is prohibited by the Statute of Limitation	15.00
To pay South Western Associated Telephone Company, Lubbock, Texas, Warrant No. 176294, dated July 18, 1934, for the sum of \$7.85; Warrant No. 162891, dated June 27, 1934, for the sum of \$3.00; Warrant No. 194592, dated September 22, 1934 for the sum of \$2.50; Warrant No. 189044, dated Sept. 10, 1934, for the sum of \$7.00; Warrant No. 146228, dated May 22, 1934 for the sum of \$4.20; Warrant No. 153642, dated June 11, 1934, for the sum of \$7.45; Warrant No. 194591, dated Sept. 22, 1934, for the sum of \$2.35; Warrant No. 184812, dated Sept. 1, 1934 for the sum of \$4.75; on which payments are prohibited by the Statute of Limitation	39.10
To pay The San Benito Bank & Trust Co., San Benito, Texas, Warrant No. 203709, dated July 31, 1933 on which payment is prohibited by the Statute of Limitation	7.70
To pay Oliver Ditson Company, 359 Boylston Street, Boston, Mass., Warrant No. 112272, dated Feb. 28, 1933, in the sum of \$2.42; Warrant No. 157613, dated Mar. 10, 1933, in the sum of \$1.14; Warrant No. 118193, dated Mar. 11, 1933, in the sum of \$5.83; on which payments are prohibited by the Statute of Limitation....	9.39

To pay James H. Neel, Dallas, Texas, c/o Dallas National Bank Bldg., Warrant No. 4300, dated Sept. 13, 1933 on which payment is prohibited by the Statute of Limitation	8.34
To pay American Produce & Vegetable Co., Inc., 2025 Cadiz Street, Dallas, Texas, Warrant No. 191354, dated July 7, 1933, for the sum of \$9.20; Warrant No. 191353, dated July 7, 1933 for the sum of \$9.20 on which payments are prohibited by the Statute of Limitation	18.40
To pay First State Bank, Overton, Texas, Warrant No. 153520, dated January 9, 1934, for the sum of \$1.00; Warrant No. 146288, dated May 22, 1934, for the sum of \$2.80; Warrant No. 21476, dated October 13, 1932, for the sum of \$5.36; Warrant No. 90920, dated February 14, 1934, for the sum of \$12.37; Warrant No. 87886, dated February 5, 1934, for the sum of \$1.28; on which payments are prohibited by the Statute of Limitation....	22.81
To pay The Peoples National Bank, Belton, Texas, Warrant No. 201943, dated July 31, 1933 for the sum of \$60.00; Warrant No. 202028, dated July 31, 1933, for the sum of \$20.00; on which payments are prohibited by the Statute of Limitation	80.00
To pay Phoenix Dairy, Houston, Texas, Warrant No. 65727, dated July 12, 1934 on which payment is prohibited by the Statute of Limitation	112.26
To pay McGrattan Brothers, Weatherford, Texas, Warrant No. 57944, dated December 6, 1932, on which payment is prohibited by Statute of Limitation	46.46
To pay The Follett National Bank, Follett, Texas, Warrant No. 216072; dated August 23, 1933, on which payment is prohibited by the Statute of Limitation	9.08
To pay Northwestern University, 619 Clark Street, Evanston, Illinois, Warrant No. 147938, dated May 25, 1934 on which payment is prohibited by Statute of Limitation	10.00
To pay The University of Minnesota Press, Minneapolis, Minnesota, Warrant No. 179357, dated June 16, 1933, for the sum of \$3.00; Warrant No. 168678, dated May 25, 1933 for the sum of \$2.50; Warrant No. 166506, dated May 22, 1933, for the sum of \$2.31; Warrant No. 144158, dated April 18, 1933, for the sum of \$1.00 on which payments are prohibited by the Statute of Limitation	8.81
To pay Hobart Cabinet Company, Troy, Ohio, Warrant No. 204815, dated August 1, 1933, on which payment is prohibited by Statute of Limitation	42.75
To pay Weisstein & Weisstein, 2162 Seventh Ave., New York, N. Y., Warrant No. 110242, dated Mar. 31, 1934 on which payment is prohibited by Statute of Limitation	56.25
To pay College of Mines & Metallurgy, El Paso, Texas, Warrant No. 64745, dated April 17, 1930, on which payment is prohibited by Statute of Limitation	15.93
To pay The Denver Art Museum, Denver, Colorado, Warrant No. 132853, dated May 16, 1932, for the sum of \$5.00; Warrant No. 150431, dated June 18, 1932, for the sum of \$3.00; on which payments are prohibited by the Statute of Limitation	8.00

To pay Robert Carroll, Klondike, Texas, Warrant No. 34688, dated November 10, 1931, on which payment is prohibited by the Statute of Limitation	1.00
To pay John Wiley & Sons, Inc., 440 Fourth Avenue, New York, N. Y. Warrant No. 214550, dated August 22, 1933, on which payment is prohibited by Statute of Limitation	20.00
To pay Mrs. Wm. McGough, No. 2920 Summers, Corpus Christi, Texas, Warrant 4719b, dated March 17, 1935, on which payment is prohibited by Statute of Limitation	100.00
To pay Chris Sermas, Waco, Texas, Deficiency Warrant No. 1384, dated August 29, 1931, on which payment is prohibited by Statute of Limitation	400.00
To pay Narrangansett Machine Company, Providence, R. I., Warrant No. 66905, dated December 28, 1933, on which payment is prohibited by Statute of Limitation	14.00
To pay Mayfield Company, Tyler, Texas, Warrant No. 182775, dated June 19, 1933, on which payment is prohibited by Statute of Limitation	613.80
To pay Mayfield Company, Tyler, Texas, Warrant No. 29083, dated October 24, 1933, on which payment is prohibited by Statute of Limitation	3.00
To pay Mayfield Company, Tyler, Texas, Warrant No. 195818, dated July 20, 1933, on which payment is prohibited by the Statute of Limitation	8.75
To pay Mayfield Company, Tyler, Texas, Comptroller's Deficiency Certificate No. 722, dated August 5, 1931 on which payment is prohibited by the Statute of Limitation	5.56
To pay First National Bank, Cleveland, Texas, Warrant No. 188094, dated August 7, 1934, on which payment is prohibited by Statute of Limitation	84.37
To pay Capital National Bank, Austin, Texas, Comptroller's Deficiency Certificate No. 21816, dated December 11, 1930, issued in full payment of all claims by the J. T. Carlisle Estate	7,912.10
To pay Ector County delinquent taxes on University of Texas school lands for the years of 1931, 1933, 1932, and 1934	7,896.10
To pay to Crane County delinquent taxes on University of Texas school lands for the years of 1931, 1932, 1933, and 1934	11,507.04
To pay to Pecos County delinquent taxes on University of Texas school lands for the years of 1931, 1932, 1933 and 1934	8,817.16
To pay to Reagan County delinquent taxes on University of Texas school lands for the years 1931, 1932, 1933 and 1934	40,290.62
To pay to Riley Burch, _____, Texas, for oil purchased from the State of Texas	3,057.78
To pay the Palmer Match Company, Akron, Ohio, for over-payment of franchise taxes	47.00
To pay the Linde Air Products Company, Dallas, Texas, refund filing fee	50.00
To pay the Rio Grande Oil Company, Fort Worth, Texas, refund filing fee	790.00
To pay Fred Geary, Luling, Texas, refund of penalty paid to Cigarette Tax Division, Treasury Department	18.00

HOUSE JOURNAL

3369

To pay Highland Clinic, Shreveport, La., account of Industrial Accident Board	49.00
To pay George P. Blackburn, expenses incurred by reason of exchange of benches with the judge of the 8th Judicial District..	23.60
To pay Edwin G. Moorhead, Austin, Texas, Asst. District Attorney of the 53rd judicial district balance due on salary.....	1,539.96
To pay Wm. Kay Miller, Austin, Texas, District Attorney, 53rd judicial district, balance due on salary	1,659.94
To pay Hardy Hollers, Austin, Texas, Asst. District Attorney, 53rd judicial district, balance due on salary.....	800.00
To pay to the heirs of Patrick Flynn escheated to the State of Texas	577.55
To pay the heirs Susan J. Skain escheated to the State of Texas....	1,120.92
To pay Adams Estate, Jasper, Texas, duplicate payment of State taxes on certain lands in Jasper County, Texas.....	504.72
To pay Mrs. J. Waddington, Liberty, Texas, duplicate payment of State taxes on certain lands in Liberty County, Texas.....	49.92
To pay J. M. Walker, judgment rendered in Cause No. 1909, J. M. Walker vs. the State of Texas, Court of Civil Appeals, Tenth Supreme Judicial District, Waco, Texas.....	2,915.30
To pay Export Insurance Company, Houston, Texas, for refund of overpayment of gross receipts taxes and for refund of fire insurance commission maintenance tax for the year of 1931....	3,329.24
To pay Mrs. J. P. Bemrod, Wichita Falls, Texas, for refund of package store permit bought by her deceased husband.....	131.75
To pay Dr. W. D. Black, Barstow, Texas, gasoline tax refund Claim No. 100,334 gasoline tax refund.....	28.00
To pay Dr. E. W. Anderson, Huntsville, Texas, balance due on salary while acting as medical supervisor for the Texas Prison System	866.52
To pay City of Refugio for refund of gross production and occupation tax on oil royalty owned by the town of Refugio.....	1,260.82
To pay Dr. Chas. P. Schenck, 1011-12 Medical Arts Bldg., Fort Worth, Texas, for medical services rendered Monte Reid, member Texas National Guards at Breckenridge, Texas; payment in full of all claims against the State.....	75.00
To pay Frank Bezoni, District Attorney, 7th Judicial District of Texas, expenses incurred in the discharge of official duties as District Attorney in attending the May term 1936 of the District Court of Wood County	84.00
To pay A. O. Newman, District Attorney Coleman, Texas, balance due on salary	76.51
To pay Gulf States Utilities Employees' Federal Credit Union, P. O. Box 2951, Beaumont, Texas, refund franchise tax.....	12.60
To pay Primrose Refining Co., refund overpayment of franchise taxes (Wichita Falls, Texas)	60.00
To pay Potts-Ross Co., Beaumont, Texas, refund overpayment of franchise taxes	11.00
To pay A. F. Weber Sr., La Grange, Texas, refund State ad valorem taxes paid under protest	20.66

To pay M. R. Hemley, El Paso, Texas, Warrant No. 179459, dated July 23, 1934, on which payment is prohibited by the Statute of Limitation	6.45
To pay Friona State Bank, Friona, Texas, witness fees in the case of State of Texas vs. J. C. Britton which fees were payable to R. V. Chenault	41.52
To pay Friona State Bank, Friona, Texas, witness fees in the case of State of Texas vs. J. C. Britton which fees were payable to C. J. Carter	41.52
To pay Friona State Bank, Friona, Texas, witness fees in the case of State of Texas vs. J. C. Britton which fees were payable to C. E. Smith	41.52
To pay First National Bank, Paris, Texas, Confederate Pension Warrant Nos. 82853, 2515, 16032, 22715, 29282, 35802 in the amount of \$25.00 each	175.00
To pay Armour Employees' Credit Union, Stock Yard Station, Fort Worth, Texas, refund of franchise tax	48.60
To pay Empire Pipe Line Company, 814 Littlefield Bldg., Austin, Texas, refund filing fee	400.00
To pay District Clerk of Travis County court costs in the State of Texas vs. Guaranty Trust Mutual Life Insurance Company, Cause No. 51388	2,627.51
To pay Midway Liquor Company, Dallas, Texas, refund overpayment of package store permits Nos. 788 and 21878 in the amounts of \$133.34 and \$200.00 respectively.....	333.34
To pay Charles Hanavan Inc., San Antonio, Texas, funeral expenses due for the burial of Cecil Taylor, National Guardsman, who was killed while on duty in East Texas October, 1932, payment in full	50.00
To pay The Gas Utilities Fund of the Railroad Commission \$279.23. This fund is to be used to pay the following companies the amounts stipulated:	
Kee Lok Manufacturing Company	\$144.50
Railway Express Company	1.55
Southwestern Bell Telephone Company75
Texas Public Service Company	6.00
Typewriter Exchange	125.00
Western Union Telegraph Company	1.43
To pay Baumgarten Matulla Company refund of franchise tax paid after charter expired	279.23
To pay Graham Fagg, Greenville, Texas, refund of franchise tax paid after charter expired from 1932 to 1936, inclusive.....	607.20
To pay A. G. McGalin, refund occupation tax	840.79
To pay Arthur M. Green, Victoria, Texas, acting as District Attorney, for salary	25.00
To pay L. J. Brucks, Special Judge for the 38th Judicial District, at Uvalde, Texas, for salary	255.00
To pay J. R. Davis, San Antonio, as Special Chief Justice of the Court of Civil Appeals, Fourth Supreme Judicial District of Texas, salary	65.70
	218.88

HOUSE JOURNAL

3371

To pay Charles Berry, District Judge in and for the 8th Judicial District of Texas, for expenses while holding Court for Judge George P. Blackburn of the 6th Judicial District at Bonham, (Greenville, Texas)	27.00
To pay Charles Berry, Greenville, Texas, District Judge 8th Judicial District, for expenses incurred in work outside of the 8th Judicial District	45.50
To pay Henry H. Brooks, Special Judge for Travis County, Texas, during the summer of 1935, balance due on salary	166.73
To pay Court Costs in Cause No. 24329-B entitled State of Texas vs. Sportsmens' Park, in the District Court of Dallas County for the 95th Judicial District (Geo. W. Howard, District Clerk, Dallas, Texas)	216.20
To pay Paul G. Peurifoy, Special Judge of the Criminal District Court No. 2, Dallas, Texas, in August of 1935 balance due on salary (Republic National Bank Bldg., Dallas, Texas.)	43.09
To pay Roy H. Giese, District Clerk, La Grange, Texas, for two claims for Court costs in case No. 8397, State of Texas vs. Knoche	130.71
To pay Joe White, Sheriff of Coryell County, to fees in felony cases No. S. 5138 & 5139, The State of Texas vs. Ethel Johnson, indicted January 26, 1935, for serving two original attachments	105.10
To pay Wm. Shely, Sheriff of Nueces County, Texas, for expense account in connection with returning Dr. Richards to Texas, from Oklahoma	115.64
To pay T. B. Harris, Carson County Sheriff, Panhandle, Texas, to expenses incurred in returning Raymond Hardy and Marshall Ratliff from Los Angeles, California, to State of Texas, in accordance with commission issued by Gov. Allred under date of May 11, 1935	185.00
To pay L. Morgan Williams, Jourdanton, expense account as District Attorney 81st Judicial Dist., for the quarter ending 31st day of August, 1936	71.50
To pay Geo. H. Templin, Clerk of the District Courts of Travis County, Texas, Court Costs in Cause No. 44234, the State of Texas vs. Phillips Petroleum Co., Et al. (Costs incurred Sept. 1, 1927-Aug. 31, 1928), balance due	2,073.70
To pay Court of Civil Appeals, Second Supreme Judicial District, Fort Worth, Texas, Claim of Johnson Towell Supply, \$1.50; of the Steck Co., \$2.60; Claim of Stafford-Lowden Co., \$10.50; Claim of Tarrant County, \$16.50; Claim of Sam B. Crow, \$18.00	49.10
To pay West Texas Hotel Company, of El Paso, Texas, refund on package store permit, No. 482	125.00
To pay Ocean Accident & Guaranty Corporation, 703 National Bank of Commerce, San Antonio, Texas, refund of Premium Tax	166.26
To pay Mrs. Ada Henderson, Snyder, Texas, refund on taxes paid twice	7.77
To pay The Estate of Mrs. M. E. Davis, Snyder, Texas, refund of overpayment of State Taxes	39.10

To pay Continental Casualty Company, Chicago, Ill., for refund of Premiums	300.90
To pay R. M. Shaw, Carthage, Texas, refund on State Tax	6.71
To pay A. C. Soap, Carthage, Texas, refund on State Tax for years 1917 to 1934, inclusive	30.13
To pay R. H. Hughes, Lakeview, Texas, for refund on taxes on non-existing land	250.54
To pay Capital Life Insurance Company, Denver, Colorado, for overpayment of occupation tax	808.15
To pay Northwest Casualty Company, Seattle, Washington, Premium Tax overpayment	74.03
To pay Mrs. Woddie Richards, Box 4, Pipe Creek, Texas, for refund of occupation tax	10.00
To pay Ed Brown, 4605 Lindsey St., Dallas, Texas, for refund of Cigarette Dealer's License Tax	30.00
To pay Guy F. Stovall, El Campo, Texas, for refund of Taxes paid on State land through error	86.03
To pay Hyman Pearlstone, Dallas, Texas, refund on ad valorem taxes	41.14
To pay Jones-Blair Paint & Varnish Company, Dallas, Texas, for refund of overpayment of filing fees	10.00
To pay Ideal Food Store, Perryton, Texas, for refund on Cigarette License Tax	20.00
To pay Oran Shupback, Alpine, Texas, for refund on taxes on non-existing land	368.17
To pay Joe Bohacek and J. S. Kubelka, Beasley, Texas, for overpayment of taxes	186.66
To pay Stewart Title Guaranty Company, San Antonio, Texas, for return of State Taxes paid twice in the years 1933 and 1934....	15.34
To pay John Wiebener, Wichita Falls, Texas, for refund of overpayment of taxes in the year 1928	120.76
To pay William Harwell, Brookshire, Texas, for lost Warrant.....	25.33
To pay J. J. Kaster, El Paso, Texas, for return of franchise tax paid twice	17.25
To pay Globe News Publishing Co., Amarillo, Texas, for printing Constitutional Amendments in 1934	260.14
To pay Edwards Bros., Lumber Company, Rusk, Texas, for lumber furnished State Park No. 22, Bastrop, Texas	104.34
To pay Fred L. Merkins, Greenville, Texas, in Cause No. 7642, Fred L. Merkins vs. Charley Lockhart, State Treasurer of the State of Texas	80.06
To pay D. A. Landers, 208 Archway, Austin, Texas, for refund on occupation tax	10.00
To pay The European General Reinsurance Company, limited, London, England, 99 John Street, New York, N. Y., refund of Premium Tax payment	55.74
To pay deficiency certificates issued to District Attorneys in districts composed of two or more counties to cover deficiency in appropriation for per diem for the year ending August 31, 1934..	31,874.50
To pay deficiency certificates issued to District Attorneys in districts composed of two or more counties to cover deficiency in appropriation for per diem for the year ending August 31, 1935..	31,245.50

To pay deficiency certificates issued to District Attorneys in districts composed of two or more counties to cover deficiency in appropriation for per diem for the year ending August 31, 1936	8,974.00
To pay deficiency certificates issued to sheriffs, clerks, attorneys, county judges, justices of peace, and constables, covering fees earned as per Article 1035, C. C. P., 1925, for the State's fiscal year ending August 31, 1936	18,986.40
Amount estimated needed to pay fees to sheriffs, clerks, attorneys, county judges, justices of peace, and constables earned but not yet presented	5,000.00
	<u>96,080.40</u>
To pay J. F. Moring, Fort Worth, Texas, for expense of gasoline and oil used in his official capacity as a Deputy Sheriff for the year 1935	103.37
To pay A. B. Carter, Fort Worth, Texas, for expense of gasoline and oil used in his official capacity as a Deputy Sheriff for the year 1935	177.62
To pay Ralph Ridgway, Fort Worth, Texas, for expense of gasoline and oil used in his official capacity as a Deputy Sheriff for the year 1935	133.30
To pay Bob Troutt, Fort Worth, Texas, for expense of gasoline and oil used in his official capacity as a Deputy Sheriff for the year 1935	153.94
To pay W. O. Royston, Fort Worth, Texas, for expense of gasoline and oil used in his official capacity as a Deputy Sheriff for the year 1935	50.08
To pay J. W. McKnight, Fort Worth, Texas, for expense of gasoline and oil used in his official capacity as a Deputy Sheriff for the year 1935	124.22
To pay O. L. Davis, Fort Worth, Texas, for expense of gasoline and oil used in his official capacity as a Deputy Sheriff for the year 1935	105.14
To pay John S. Renfro, Fort Worth, Texas, for expense of gasoline and oil used in his official capacity as a deputy sheriff for the year 1935	159.96
To pay M. H. Frank, Fort Worth, Texas, for expense of gasoline and oil used in his official capacity as a Deputy Sheriff for the year 1935	95.68
To pay E. C. Watson, Fort Worth, Texas, for expense of gasoline and oil used in his official capacity as a Deputy Sheriff for the year 1935	95.62
To pay Floyd Hampton, Fort Worth, Texas, for expense of gasoline and oil used in his official capacity as a Deputy Sheriff for the year 1935	111.96
To pay T. J. Snow, Fort Worth, Texas, for expense of gasoline and oil used in his official capacity as a Deputy Sheriff for the year 1935	73.36
To pay Frank Winters, Fort Worth, Texas, for expense of gasoline and oil used in his official capacity as a Deputy Sheriff for the year 1935	109.78

To pay W. C. Harman, Fort Worth, Texas, for expense of gasoline and oil used in his official capacity as a Deputy Sheriff for the year 1935	135.02
To pay G. A. Coke, Fort Worth, Texas, for expense of gasoline and oil used in his official capacity as a Deputy Sheriff for the year 1935	31.79
To pay Mrs. A. T. Sharp, Beckville, Texas, refund overpayment ad valorem taxes	10.87
To pay Lizzie Schueneman, Seguin, Texas, refund ad valorem taxes paid in error	51.43
To pay T. Lockhead, Eastland, Texas, refund duplicate payment ad valorem taxes	27.60
To pay McLennan County Physicians and Dentists Exchange, Waco, Texas, refund of payment of franchise tax	12.50
To pay Wright Refining Co., refund overpayment gasoline tax	92.88
To pay Louis Huebener, refund overpayment tax on gasoline	16.00
To supplement appropriations for the payment of transcript fees to official court reporters for narrative statement of facts and or in cases where court is required and does appoint attorney to represent defendant in criminal action, and where official court reporter is required and does furnish defendant's attorney with script of his notes as provided by law: For the State's fiscal years ending August 31, 1936, and August 31, 1937; Provided, however, that this appropriation is for the purpose of paying court reporters who were not regularly employed and appointed court reporters at the time the cases were tried and the service was rendered	1,100.00
To pay First National Bank of Bonham, Texas, for Comptroller's Deficiency Certificates issued to Bud Hughes, Sheriff of Fannin County	3,208.33
To pay R. L. Van Zandt (C. L. Ezell), receiver of The Texas National Bank of Fort Worth, Texas, judgment rendered February 9, 1937, in favor of C. L. Ezell, receiver of The Texas National Bank of Fort Worth, Texas, in the U. S. District Court for the Western District of Texas, Austin Division in Cause No. 582 in equity, styled R. L. Van Zandt, (C. L. Ezell) receiver of The Texas National Bank of Fort Worth, Texas, vs. State of Texas, certified copy attached which is now final—\$35,893.66; To court costs in said suit adjudged against the State of Texas certified bill attached—\$14.50	35,908.16
To pay Edna E. Roberts, El Paso, Texas, refund duplicate payment of ad valorem taxes	46.44
To pay Rusk Independent School district taxes on State owned land within said district as authorized by law	1,736.00
To pay A. M. Davis, Attorney, 1 East 44th Street, New York City, New York, for reimbursement of expenses incurred and as Attorney's Fee in representing State Banking Commissioner in case of S. J. Senter and Company, Inc., vs. Seaboard Bank and Trust Company (succeeded by Gulf Bank and Trust Company of Port Arthur, Texas), from February, 1928, to July, 1932, said Banking institution being in the hands of State Banking Commissioner	

for liquidation from July 17th, 1930, to July, 1932, and for services rendered in re Societa Nazionale di Navigazione vs. Gulf Bank and Trust Company, at request of State Banking Commissioner 750.00

To pay the American National Bank, of Austin, Texas, to reimburse said bank for money advanced for the construction of the Auditorium Building at Agricultural and Mechanical College, said building having been authorized by the Acts of the Thirty-fourth Legislature, First Called Session, 1915, page 104, and said sum being the unexpended balance of said appropriation..... 8,861.62

Section 2. To pay the following for refund of examination fee which was paid to the Texas State Board of Hairdressers and Cosmetologists for State purposes, and the privileges thereunder were never exercised directly or indirectly, and the same shall be paid from the State Board of Hairdressers and Cosmetology Funds:

Frank Munoz, El Paso, Texas	10.00
Loucille Scott, Jasper, Texas	10.00
Sara E. Walton, 7403 Capitol Avenue, Houston	10.00
Myrtle Van Nort, Ballinger	10.00
Mrs. Hazel Bulacher, 3326 Avenue K., Galveston	10.00
Lyda Belle Griffin, Calvert, Texas	10.00
Irene H. Adam, Dallas, Texas	10.00
Elier Britt, Beaumont, Texas	10.00
Edythe M. Davis, McKinney, Texas	10.00
Winnefred Davis, San Benito	10.00
Mrs. Boyd Feazell, Lubbock	10.00
Martha Hanks, Port Arthur	10.00
Annie Mae Johnson, San Angelo	110.00
Audrey Martin, Woodsboro	10.00
Katherine Patterson, Houston	10.00
James Heath Powers, Center, Texas	10.00
Buna Hawkins, Dallas, Texas	10.00

To pay the following for refund of over-payment of license fees paid to the State Board of Hairdressers and Cosmetologists and the same shall be paid from the State Board of Hairdressers and Cosmetology Funds:

Mrs. Nell Moreaux, Houston, Texas	7.00
Bertha Perez, 1900 South 10th, Waco	7.00
Phyliss I. Claus, Harlingen, Texas	3.00
Juanita Johnson, Houston	5.00
Sylvia Kinchloe, Burnet, Texas	7.00

Section 3. To pay to the Governor out of the General Revenue Fund to pay expenses of returning fugitives where requisition actually heretofore issued, by the Governor; such expenses be paid solely on the Governor's written approval, including the State Auditor's approval as to accuracy only of amounts; specific bills of such expenses to be paid are as follows:

Norris O'Banion, in behalf of J. W. O'Banion of Center, Texas, deceased ex-sheriff for a return of a defendant, Dewey Parker, from Muskogee, Oklahoma, in the sum of \$180.00; for the return of the defendant George McCain from Sacramento, Calif., in the sum of \$450.00	630.00
--	--------

Blewett-Stinnett Grain Co., Fort Worth, Texas, for return of a defendant, Inez Jordan, from Albany, N. Y., to Fort Worth, Texas	492.19
D. M. Hassler, ex-Sheriff of Erath County, for return of a defendant, Walter Moker, from Philadelphia, Pa.	296.00
For the return of the defendant, J. C. Parsons, from Joliet, Ill., \$107.25	107.25
To pay Ed Weatherford, City Detective, Fort Worth, Texas, reward for the arrest of the parties involved in the Thomas Holmes murder case	500.00
Section 4. That the following sums of money or so much thereof as may be necessary, be paid out of the Texas Highway Funds:	
To pay Gibb Gilchrist, State Highway Engineer, Austin, Texas, expenses incurred on official business for the State Highway Department for inspection trips	19.75
GRAND TOTAL	\$266,136.15

Section 5. It is specifically provided herein that before any claim shall be paid from funds hereby appropriated the same shall have the approval of the State Comptroller, the State Auditor and Efficiency Expert, and the Attorney General. It is further provided that any claim involving the refund of a franchise tax shall also carry the approval of the Secretary of State in addition to the other officials herein named.

Section 6. That the Comptroller of Public Accounts is hereby authorized and directed to issue a warrant or warrants on the State Treasury in favor of each of the persons, firms, or corporations named herein, in the amounts set opposite their respective names, and shall mail or deliver to each of said persons, firms, or corporations at their said respective addresses, warrant or warrants in payment of said claim or claims, and said persons, firms, or corporations shall duly receipt the Comptroller for said warrant or warrants for payment of said claim or claims.

Section 7. The fact that the claims herein appropriated for are past due and the persons, firms and corporations to whom the same are payable are being deprived of the proceeds thereof creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Mr. Waggoner moved that the report be adopted.

Mr. Lanning moved, as a substitute motion, that further consideration of the report be postponed until 10:00 o'clock a. m., tomorrow.

Mr. Waggoner moved to table the substitute motion by Mr. Lanning.

The motion to table prevailed.

The report was then adopted by the following vote:

Yeas—87

Adkins	Bridgers
Alexander	Broadfoot
Alsup	Brown
Amos	Burton
Baker	Cagle
Bates	Callan
Blankenship	Carssow
Boethel	Celaya
Bond	Colquitt
Boyer	Davis of Jasper
Bradford	Deglandon

Dickison	Lucas
Dollins	Mann
England	McDonald
Farmer	Morris
Hamilton	Morse
Hankamer	Newton
Harbin	Nicholson
Harper	Oliver
Harrell	Patterson
Harris of Dallas	of Travis
Hartzog	Petsch
Heflin	Powell
Herzik	Ragsdale
Holland	Reader
Hoskins	Reed of Dallas
Hull	Ross
Howard	Russell
Huddleston	Rutta
Hyder	Settle
Jackson	Sharpe
James	Simpson
Johnson of Ellis	Smith of Hopkins
Johnson	Smith
of Tarrant	of Matagorda
Jones of Angelina	Stocks
Jones of Atascosa	Talbert
Kenyon	Tarwater
Kern	Thornton
Knetsch	Vale
Leath	Waggoner
Leonard	Walker
Leyendecker	Weldon
Little	Winfree
London	Wood

Nays—31

Beckworth	Lanning
Bradbury	Loggins
Cathey	Mauritz
Davisson	McConnell
of Eastland	McKinney
Fielden	Moffett
Fox	Monkhouse
Gibson	Palmer
Hanna	Patterson of Mills
Harris of Archer	Prescott
Jones of Wise	Reed of Bowie
Keefe	Rhodes
Kelt	Skaggs
King	Tennant
Langdon	Tennyson
Lankford	Westbrook

Absent

Cauthorn	Pope
Cleveland	Quinn
Davis of Haskell	Riddle
Dean	Schuenemann
Felty	Sewell
Fuchs	Shell
Keith	Smith of Tarrant
Mays	Stevenson
McFarland	Stinson
McKee	Worley

Absent—Excused

Bell	Jones of Falls
Davison of Fisher	McCracken
Derden	Metcalf
Graves	Roark
Hardin	Thornberry
Harris of Dickens	

CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 195

Mr. Jones of Wise, Chairman, submitted the following Conference Committee Report on Senate Bill No. 195: Austin, Texas, May 21, 1937.

Hon. Walter F. Woodul, President of the Senate.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sirs: We, your Committee, appointed to adjust the differences between the House and the Senate on Senate Bill No. 195, a bill to be entitled

"An Act providing for the inclusion of the bonds of certain road districts in counties with a population of not less than nineteen thousand (19,000) and not more than nineteen thousand five hundred (19,500), according to the next preceding Federal census, in the program of payments by the Board of County and Road District Indebtedness."

have had the same under consideration and beg leave to report same back to the Senate and the House of Representatives that the bill be finally passed in the form attached hereto.

Respectfully submitted,

WOODRUFF,
AIKIN,
NEAL,

On the part of the Senate.

JONES of Wise,
ALSUP,
BRADBURY,
JONES of Angelina,
MORRIS.

On the part of the House.

S. B. No. 195

A BILL

To Be Entitled

An Act providing that all bonds which have been heretofore issued and sold by road districts, prior to September 17, 1932, in counties having

a population of not less than nineteen thousand (19,000) and not more than nineteen thousand five hundred (19,500) according to the 1930 Federal Census, the proceeds of the sale of which bonds have been expended in whole or in part upon a highway which has, since the issuance and sale of said bonds, been designated as a part of the State highway system, and where the proceeds of the sale of said bonds have been expended, in whole or in part, upon a highway heretofore designated as a part of the State highway system where not more than twelve (12) miles of such highway lies within the road district issuing said bonds, shall be entitled to participate in the State highway funds, under the provisions and restrictions of Chapter 136, Acts of the Forty-third Legislature of Texas, 1933, and amendments thereto, as well as reenactments thereof, and declaring an emergency.

Be It Enacted by the Legislature of the State of Texas:

Section 1. That all bonds which have been heretofore issued and sold by road districts in counties with a population of not less than nineteen thousand (19,000) and not more than nineteen thousand five hundred (19,500), according to the next preceding Federal census, where the proceeds of the sale of the bonds have been expended in whole or in part upon a highway which was then a part of the designated system of State highways in Texas, and a part of the proceeds of which has been expended, in whole or in part, upon a highway which has, since the issuance and sale of said bonds, been designated as a part of the State highway system of Texas, and where such designated parts of the State highway system bear different highway numbers, or where one designation is numbered and the other un-numbered, shall be entitled to participate in the State highway fund, under the provisions and restrictions of Chapter 136, Acts of the Forty-third Legislature of Texas, 1933, and any amendments thereto, including the re-enactment and extension thereof under and by virtue of the terms and provisions of House Bill No. 463, enacted by the Legislature of Texas Forty-fifth Regular Session, 1937.

The Board of County and Road District Indebtedness is directed to audit all expenditures of the aforementioned district, and the assumption herein provided for shall extend only to such bonds, the proceeds of which were expended in the construction of the road which has subsequently been designated a State Highway.

Section 2. The fact that there is no adequate law covering the subject matter of this bill, that at the time of the creation of certain road district or districts of this State and the issuance and sale of its or their bonds it was contemplated that the proceeds of the sale of such bonds should be expended in the construction of parts of two public highways, one designated and one to be designated, and the further fact that the taxes necessary to be levied and collected in said districts places an undue burden upon the property taxpayers thereof, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be, and the same is, hereby suspended, and this Act shall take effect and be in force from and after its enactment.

On motion of Mr. Jones of Wise, the report was adopted by the following vote:

Yeas—110

Mr. Speaker	Dollins
Adkins	England
Alexander	Farmer
Alsup	Fox
Amos	Gibson
Bates	Hamilton
Beckworth	Hankamer
Blankenship	Hanna
Boethel	Harbin
Bond	Harper
Boyer	Harrell
Bradbury	Harris of Archer
Bradford	Harris of Dallas
Bridgers	Hartzog
Brown	Heflin
Burton	Herzik
Cagle	Hoskins
Callan	Howard
Cathey	Huddleston
Cauthorn	Hyder
Cleveland	Jackson
Colquitt	James
Davis of Jasper	Johnson of Ellis
Davisson	Johnson
of Eastland	of Tarrant
Deglandon	Jones of Angelina
Dickison	Jones of Wise

Keefe	Prescott
Kelt	Ragsdale
Kenyon	Reader
Kern	Reed of Bowie
King	Reed of Dallas
Knetsch	Rhodes
Langdon	Riddle
Lankford	Ross
Lanning	Russell
Leyendecker	Rutta
Little	Settle
Loggins	Sharpe
London	Simpson
Lucas	Skaggs
Mauritz	Smith of Hopkins
McConnell	Smith
McKee	of Matagorda
McKinney	Smith of Tarrant
Moffett	Stocks
Monkhouse	Talbert
Morse	Tarwater
Newton	Tennant
Nicholson	Tennyson
Oliver	Thornton
Palmer	Vale
Patterson of Mills	Waggoner
Patterson	Walker
of Travis	Weldon
Pope	Winfree
Powell	Wood

Present—Not Voting

Westbrook

Absent

Baker	Leonard
Broadfoot	Mann
Carssow	Mays
Celaya	McDonald
Davis of Haskell	McFarland
Dean	Morris
Felty	Petsch
Fielden	Quinn
Fuchs	Schuenemann
Holland	Sewell
Hull	Shell
Jones of Atascosa	Stevenson
Keith	Stinson
Leath	Worley

Absent—Excused

Bell	Jones of Falls
Davison of Fisher	McCracken
Derden	Metcalf
Graves	Roark
Hardin	Thornberry
Harris of Dickens	

MESSAGE FROM THE SENATE

Austin, Texas, May 21, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has

reconsidered the vote by which the conference committee report on House Bill No. 838 was previously adopted, and has adopted in lieu thereof the attached report by a viva voce vote.

Concurred in House amendments to Senate Bill No. 424 by the following vote: Yeas, 27; Nays, 1.

Adopted the conference committee report on Senate Bill No. 47 by the following vote: Yeas, 27, Nays, 1.

Adopted the conference committee report on House Bill No. 1169 by the following vote: Yeas, 29; Nays, 0.

Has adopted

H. C. R. No. 143, To make certain correction to House Bill No. 572.

H. C. R. No. 146, To correct error in Senate Bill No. 140.

Respectfully,

BOB BARKER,

Secretary of the Senate.

TO SUSPEND CERTAIN RULES

Mr. Palmer offered the following resolution:

H. C. R. No. 147, To suspend certain Rules.

Be It Resolved by the House of Representatives, the Senate concurring, That all Rules be suspended for the purpose of allowing the Senate to consider today or tomorrow House Bill No. 1149.

The resolution was read second time.

Mr. Thornton raised a point of order, on consideration of the resolution, at this time, on the ground that there are now no Joint Rules, and that the resolution is of no effect.

The Speaker overruled the point of order.

Question recurring on the resolution, it was adopted.

CONFERENCE COMMITTEE APPOINTED ON HOUSE BILL NO. 1143

The Speaker announced the appointment of the following Conference Committee, on the part of the House, on House Bill No. 1143:

Messrs. Carssow, Alsup, Wood, Palmer and Skaggs.

TO SUSPEND CERTAIN RULES

Mr. Morris offered the following resolution:

H. C. R. No. 148, To suspend certain Rules.

Be It Resolved by the House of Representatives, the Senate concurring, That all Joint Rules be, and the same are hereby, suspended for the purpose of allowing the Senate to consider House Bill No. 322 until finally disposed of.

The resolution was read second time, and was adopted by the following vote:

Yeas—112

Adkins	Jones of Wise
Alexander	Keefe
Alsup	Kelt
Amos	Kern
Baker	King
Bates	Knetsch
Beckworth	Langdon
Blankenship	Lankford
Boethel	Lanning
Bond	Leath
Boyer	Leonard
Bradbury	Leyendecker
Bradford	Little
Bridgers	Loggins
Brown	London
Cagle	Lucas
Callan	Mann
Carssow	Mauritz
Cathey	Mays
Cauthorn	McConnell
Celaya	McDonald
Cleveland	McKee
Colquitt	McKinney
Davis of Jasper	Moffett
Davisson	Monkhouse
of Eastland	Morse
Deglandon	Newton
Dickison	Oliver
Farmer	Patterson of Mills
Fielden	Patterson
Fuchs	of Travis
Hamilton	Petsch
Hankamer	Pope
Hanna	Prescott
Harbin	Quinn
Harper	Ragsdale
Harrell	Reader
Harris of Archer	Reed of Bowie
Harris of Dallas	Reed of Dallas
Heflin	Rhodes
Herzik	Riddle
Holland	Ross
Hoskins	Russell
Huddleston	Rutta
Hull	Settle
Hyder	Sharpe
Jackson	Simpson
James	Skaggs
Johnson of Ellis	Smith of Hopkins
Johnson	Smith
of Tarrant	of Matagorda
Jones of Angelina	Stinson
Jones of Atascosa	Stocks

Talbert
Tarwater
Tennant
Tennyson
Thornton

Vale
Waggoner
Walker
Weldon
Winfree

Nays—3

Burton
Gibson

Kenyon

Present—Not Voting

Powell

Absent

Broadfoot	Morris
Davis of Haskell	Nicholson
Dean	Palmer
Dollins	Schuenemann
England	Sewell
Felty	Shell
Fox	Smith of Tarrant
Hartzog	Stevenson
Howard	Westbrook
Keith	Wood
McFarland	Worley

Absent—Excused

Bell	Jones of Falls
Davison of Fisher	McCracken
Derden	Metcalf
Graves	Roark
Hardin	Thornberry
Harris of Dickens	

CONCERNING HOUSE JOINT RESOLUTION NO. 10

Mr. McKee offered the following resolution:

H. C. R. No. 144, Concerning House Joint Resolution No. 10.

Whereas, There was introduced in, and passed by the House of Representatives, a joint resolution (H. J. R. No. 10), amending the Constitution of Texas, which has for its purpose the changing of the two year term of office to four year terms; and

Whereas, The aforementioned House Joint Resolution No. 10 passed the House with 107 votes and is now in the Senate Committee on Constitutional Amendments; and

Whereas, The said Committee has failed to report its final action on said House Joint Resolution No. 10; and

Whereas, There are only 48 hours more of this Session before adjournment; and

Whereas, The importance of this legislation to the people of Texas should not be overlooked, and since it would be two years before the subject

could again be laid before the Legislature; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Senate Committee on Constitutional Amendments be and they are hereby requested to immediately report to the Senate their action on the aforementioned House Joint Resolution No. 10, and either give it a favorable or unfavorable report in order that some definite action be taken on the measure.

McKEE,
STINSON.

The resolution was read second time, and was adopted.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 557

Mr. Celaya submitted the following Conference Committee Report on House Bill No. 557:

Austin, Texas, May 20, 1937.

Hon. Walter F. Woodul, President of the Senate.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the House and Senate on House Bill No. 557, beg leave to report that we have considered the same and recommend that it do pass in the form and text attached hereto.

NEAL,
BURNS,
SULAK,
WESTERFELD,

On the part of the Senate.

CELAYA,
RAGSDALE,
VALE,
LEYENDECKER,
LEONARD,

On the part of the House.

H. B. No. 557

A BILL

To Be Entitled

An Act providing for the licensing of all persons before engaging in the business of handling perishable agricultural commodities as defined in this Act, whether as a commission merchant, dealer, broker, or as agent of any commission merchant, dealer, or broker; defining certain terms as used herein; pro-

viding manner of settlement by licensees with producer, seller, or owner; providing that all contracts between dealers and owners, sellers, or producers, shall be in writing and providing time and manner of settlement; making it unlawful for any person to engage in business as a commission merchant, dealer, broker, or as an agent of any commission merchant, dealer, or broker without first complying with the terms and provisions of this Act; prescribing the duties of the commissioner under this Act; providing for applications for licenses under this Act and for the contents thereof; providing for license fees to be paid by licensees under this Act and for the granting of licenses and the duration thereof; providing for the cancellation of licenses for violation of this Act; providing for the depositing of license fees with the State Treasurer in a special fund to be known as the Agricultural Protective Act Fund and providing the purpose for which such funds may be used; providing for the investigation and filing of complaints by the commissioner and/or his agents against violators of this Act; providing for the holding of hearings by the commissioner on such complaints and for the commissioner's powers and authority in connection with such hearing; providing for cancellation or suspension of licenses and providing for appeal to Courts of competent jurisdiction for revision of any order entered by the Commissioner; providing for accurate records of accounts to be kept and furnished by licensees under this Act to consignors, producers, and/or their agents; providing for the powers and authority of the commissioner in all matters pertaining to violations of the provisions of this Act; fixing penalties for violators of this Act; providing for bonding licensees under this Act and for fixing the amount of said bond and the terms, conditions, and requirements thereof; providing for recovery on said bonds in the event of violation thereof under this Act and fixing the venue of all suits arising thereunder; providing for the exemption of retailers as defined in this Act; providing for the exemption of co-operative organizations as defined herein from

the terms of this Act; providing for the exemption of persons buying farm products for the purpose of reselling the same in dried, canned, or other preserved forms; providing for the exemption from the provisions of this Act to all growers who handle and market their own fruit individually; providing that it shall be the duty of the commissioner, his agents, and employees to assist in the apprehension and punishment of violators of this Act; providing for the regulation of buying, selling, and handling perishable agricultural commodities to prevent unfair trade practices and in a manner which will assure the protection of producers and licensees as herein defined; providing that it shall be unlawful for any person to engage in the business of handling farm products within this State unless and until such person has fully complied with the provisions of this Act; making the provisions of the Act pertaining to necessity for license and license fees applicable only to the Texas Citrus Zone as defined in Section 1 of House Bill No. 553, Chapter 350, Acts, Forty-second Legislature; providing that this Act shall not amend or modify, or in any way repeal the Anti-Trust Laws of this State; and providing that this Act shall not apply to truckers paying cash for such commodities; and providing that the administration of the terms and conditions of this Act shall be under the direction and supervision of the Chief or Director of the Markets and Warehouse Division of the Department of Agriculture; and providing that H. B. No. 99, as passed by the Forty-fifth Legislature shall be amended so as to place the administration and supervision of said H. B. 99 under the direction and supervision of the Chief or Director of the Markets and Warehouse Division of the Department of Agriculture, for the term of office and at a salary fixed by the terms of this Act; and providing that the Chief or Director of the Markets and Warehouse Division of the Department of Agriculture shall be appointed by the Commissioner of Agriculture for a term of office of six years from and after the effective date of this Act, at a salary of Four Hundred and no/100 (\$400) dollars per month, and pro-

viding for the appointment of necessary assistants, inspectors and other personnel, and providing for payment of salaries, travelling and other incidental expenses; providing for the validity of remainder of this Act if any portion of the same be declared unconstitutional; and declaring an emergency.

Be It Enacted by the Legislature of the State of Texas:

Section 1. General Provisions. 1. This Act shall be known and may be cited as the Agricultural Protective Act.

2. As used in this Act, unless otherwise apparent from the context:

(a) The present tense includes the past and future tenses; and the future, the present.

(b) The masculine gender includes the feminine and neuter.

(c) The singular number includes the plural; and the plural, the singular.

(d) "Department" means the Department of Agriculture of the State of Texas.

(e) "Commissioner" means the Commissioner of Agriculture of the State of Texas.

(f) "Section" means the Section of this Act unless some other Act is specifically mentioned.

(g) "County" includes city and county.

(h) "Person" includes individual, partnership, firm, corporation, company, or association.

(i) "Sell" includes "offer for sale," "expose for sale," "have in possession for sale," "exchange," "barter," or "trade."

3. Any person in whom the enforcement of any provision of this Act is invested has the power of a peace officer as to such enforcement.

4. The District or County Attorney of any county in which a violation of any provision of this Act occurs shall, upon request of any enforcing officer or other interested person, prosecute such violation.

5. Unless a different penalty is expressly provided, a violation of any provision of this Act is a misdemeanor.

6. Whenever any notice, report, statement, or record is required by this Act, it shall be in writing unless it is expressly provided that it may be oral.

7. Whenever any notice, report, statement, or record is required by

this Act to be kept or made in writing, it shall be in the English language.

8. Whenever any power or authority is given by any provision of this Act to any person, it may be exercised by any deputy, inspector, or agent duly authorized by him unless it is expressly provided that it shall be exercised in person.

9. As used in this Act the word "shall" is mandatory and the word "may" is permissive.

10. The commissioner may enter upon any premises to inspect the same or any plant, appliance or thing therein.

11. The commisisoner is hereby authorized to promulgate and adopt rules and regulations for carrying out those provisions of this Act which he is directed and authorized to administer or enforce.

Sec. 2. Produce Dealers. (a). As used in this Act the term "person" includes any individual, firm, partnership, corporation or association of persons.

(b) The term "producer" means any person engaged in the business of growing or producing any farm product.

(c) The word "vegetables" and/or the words "agricultural commodities" and/or the words "farm products," when used in this Act shall mean any and/or all of the following enumerated commodities: Asparagus, Beans (string, wax, or green), Beets (bunched or topped), Broccoli (Italian sprouting), Cabbage, Cabbage (for sauerkraut), Cantaloupes, Carrots (bunched or clipped), Cauliflower, Celery (rough), Corn (green), Cucumbers (slicing), Dew-berries and Black-berries, Eggplant, Endive or Escarole or Chicory, Garlic, Kale, Lettuce, Melons (Honey Ball and Honey Dew), Mustard Greens, Okra, Onions, Parsley, Peaches, Pears, Peas (fresh), Peppers (sweet), Potatoes, Potatoes (sweet), Radishes, Romaine, Shalots, Spinach, Strawberries, Tomatoes (fresh), Turnips (bunched or topped), or Rutabagas, Turnip Greens, and Watermelons.

(d) The term "consignor" includes any person who delivers to any commission merchant, dealer, or broker or the agent of any commission merchant, dealer, or broker any farm products for handling, sale or resale.

(e) The term "commission merchant" means any person who shall receive on consignment or solicit from

the producers thereof any farm product within the terms of this Act for sale on commission on behalf of this producer, or who shall accept any farm product in trust from the producer thereof for the purpose of resale, or who shall sell or offer for sale on commission any farm product, or who shall in any way handle for the account of, or as an agent of, the producer thereof any farm product.

(f) The term "dealer" means any person other than a commission merchant who for the purpose of resale at wholesale obtains from the producer thereof possession or control of any farm product, except by payment to the producer, at the time of obtaining such possession or control, of the full agreed price of such commodity.

(g) The term "broker" means any person engaged in the business of soliciting or negotiating the sale of any farm product.

(h) The term "agent" means any person who on behalf of any commission merchant, or dealer, or broker receives, contracts for, or solicits any farm product from a producer thereof or who negotiates the consignment or purchase of any farm product on behalf of any commission merchant, dealer, or broker.

(i) The term "commissioner" means the Commissioner of Agriculture of the State of Texas.

Sec. 3. Exclusions. This Act does not apply to or include:

(a) Any co-operative organization, operating under and by virtue of the laws of this State, or of any other State, or the District of Columbia, or the United States, or the agents of such organizations in the performance of their duties as such, except as to that portion of the activities of such organization, or agent as involves the handling or dealing in the farm products of non-members of such organization.

(b) Any person or exchange buying farm products for the purpose of reselling the same in dried, canned, or other preserved form.

(c) Any person who is engaged in the business of selling farm products as retailer. It is expressly provided that any individual, partnership, corporation, company, or association of persons which is engaged in the business as a buying agency for more than three retail outlets is not a retailer within the purview of this Act. A retailer within the meaning of this Act

is any person who purchases farm products in small quantities for resale to the consumer.

Sec. 4. Licensing. No person shall act as a commission merchant, dealer, broker, or agent without having obtained a license as provided in this Act. Every person acting as a commission merchant, dealer, broker, or agent as herein defined, shall file an application with the commission for a license to transact the business of commission merchant, dealer, broker and/or agent and such application shall be accompanied by the license fee herein provided for each specified class of business. Separate applications shall be filed for each class of business.

Such application shall in each case state the full name of the person applying for such license, and if the applicant be a firm, partnership, corporation, or association of persons, the full name of each member of such firm, or the names of the officers of such corporation or association or company shall be given in the application. Such application shall further state the principal business address of the applicant in the State of Texas and elsewhere and the name or names of the person or persons authorized to receive and accept service of citation and legal notice of all kinds for the applicant. Such applicant shall further satisfy the commissioner of his or its character, responsibility, and good faith in seeking to carry on the business stated in the application in the manner and form to be provided by the commissioner.

In addition to the general requirements applicable to all classes of applications as in this Section set forth, the following requirements shall apply to the class of application noted:

(1) Commission merchants: Each application shall include a schedule of commissions and charges for services, and such designated commission and charges shall not be changed nor verified for the license period, except by written contract between parties.

(2) Agents: Each application shall include such information as the commissioner may consider proper or necessary, and shall include the name and address of applicant and the name and address of each commission merchant, dealer, or broker represented or sought to be represented by said agent, and the written endorsement or nomination of such commission mer-

chant, dealer, or broker. The commissioner shall thereupon issue to such applicant a license entitling the applicant to conduct the business described in the application at the place named in the application for a year from the date thereof, or until the same shall have been revoked for cause. The commissioner may also issue to each agent a card, or cards, which shall bear the signature of such agent and his principals, separate cards being required for each principal. Any agent shall show said card or cards upon the request of any interested person. Fraud or misrepresentation in making any application shall ipso facto work a revocation of any license granted thereunder. All indicia of the possession of a license shall be at all times the property of the State of Texas and each licensee shall be entitled to the possession thereof only for the duration of said license.

For filing the applications herein described, each applicant must pay a fee as follows:

- (a) Commission merchants: \$25.00 each year.
- (b) Dealers: \$25.00 for each year.
- (c) Brokers: \$25.00 for each year.
- (d) Agents: \$1.00 for each year.

Any person who shall have been licensed as a commission merchant, shall, upon application, be licensed also as a dealer and/or as a broker as defined herein without payment of further fees, and shall thereupon conform to the parts of this Act regulating the business of a dealer and/or broker. Any person who has applied for and receives a license as a dealer or broker in the manner and upon payment of the fee herein set forth may apply for and secure a license as a commission merchant in addition to the license issued to him as such dealer or broker, without payment of further fee and upon further complying with those parts of this Chapter regulating the licensing of a commission merchant.

The commissioner shall publish in pamphlet form at least once each calendar year and may publish as often as he thinks necessary a list of all licensed commission merchants, dealers, brokers, and agents, together with all necessary rules and regulations concerning the enforcement of this Act. Each licensed commission merchant, dealer, broker, or agent shall post his license, or a copy thereof, in

his office or place of business in plain view of the public. All license fees collected under the provisions of this Act shall be paid into the State Treasury and shall be kept by the State Treasurer in a separate fund to be known as the Agricultural Protective Act Fund and the same shall be expended in carrying out the provisions of this Act.

Sec. 5. Bonding. Before any license is issued to any commission merchant, dealer, or broker, such commission merchant, dealer or broker shall execute and deliver to the commissioner a surety bond in the sum of Five Thousand Dollars (\$5,000), executed by the applicant as principal and by a surety company qualified and authorized to do business in this State as surety. Said bond shall be conditioned upon compliance with the provisions of this Act and upon the faithful and honest handling of farm products in accordance with the terms of this Act. Said bond shall be to the State in favor of every consignor or producer of farm products. Any consignor or producer of farm products claiming to be injured by the fraud, deceit, or wilful negligence of any commission merchant, dealer, or broker, may bring action upon said bond against both principal and surety in any Court of competent jurisdiction to recover the damages caused by such fraud, deceit, or wilful negligence, or the failure to comply with the provisions of this Act. Any case of failure by a commission merchant, dealer, or broker to pay consignor, or producer creditors for farm products received from said consignor, or producer, to be sold, the commissioner shall proceed forthwith to ascertain the names and addresses of all consignor, or producer creditors of such commission merchant, dealer, or broker, together with the amounts due and owing to them and each of them by such commission merchant, dealer, or broker and shall request all such producer, consignor creditors to file a verified statement of their respective claims with the commissioner. Thereupon the commissioner shall bring an action on the bond in behalf of such producer, or consignor creditors. Upon any action being commenced on said bond, the commissioner may require the filing of a new bond immediately upon the recovery in any action upon such bond such commission merchant, dealer, or

broker shall file a new bond and upon failure to file the same within ten (10) days in either case, such failure shall constitute grounds for the suspension or revocation of his license.

Sec. 6. Enforcement. For the purpose of enforcing the provisions of this Act the commissioner is authorized to receive verified complaints against any person assuming or attempting to act as such, and upon receipt of such verified complaint, shall have full authority to make any and all necessary investigations relative to the said complaint. He shall have at all times free and unimpeded access to all buildings, yards, warehouses, storage and transportation facilities in which any produce is kept, stored, handled, or transported. He shall have full authority to administer oaths and to take testimony thereunder; to issue subpoenas requiring the attendance of witnesses before him, together with all books, memoranda, papers, and other documents, articles, or instruments; to compel the disclosure by such witnesses of all facts known to them relative to the matters under investigation, and all parties disobeying the orders or subpoenas of said commissioner shall be guilty of contempt and shall be certified to a Court of competent jurisdiction for punishment for such contempt; copies of records, inspection certificates, certified reports, and all papers on file in the office of the Commissioner shall be prima facie evidence of the matters therein contained.

The commissioner of his own motion may, or upon the verified complaint of any interested person shall investigate, examine, or inspect any transaction involving solicitation, receipt, sale, or attempted sale of farm products by any person or persons acting or assuming to act as a commission merchant, dealer, broker, or agent; failure to make proper and true account of sales and settlement thereof as in this Act required; the intentional making of false statement as to condition and quantity of any farm products received, or in storage; the intentional making of false statements as to marketing conditions; the failure to make payment for farm products within the time required by this Act; or investigate, examine, or inspect any and all other injurious transactions, and in furtherance of any such investigation, examination, or inspection, the

commissioner or any authorized representative may examine that portion of the ledgers, books, accounts, memoranda, and other documents, farm products, scales, measures, and other articles and things used in connection with the business of such person relating to the transactions involved. When a producer or consignor of farm products fails to obtain settlement satisfactory to him in any transaction after having notified the consignee, a verified complaint may be filed with the commissioner who shall undertake to effect a settlement, and in the event that he shall fail to effect such settlement, he shall cause a copy of such complaint, together with a notice of the time and place and hearing of such complaint to be served personally or by mail upon such person. Such service shall be made at least ten (10) days before the hearing, which shall be held in the city or town in which, or closest to which, is situated the business location of the licensee or in which the transaction complained of is said to have occurred. At the time and place appointed for such hearing, the commissioner, or his agents, shall hear the parties to such complaint and shall enter a decision either dismissing such complaint or specifying the facts established on such hearing. A copy of such decision shall be furnished each, every, and all the respective parties thereto.

The commissioner may refuse to grant a license and may revoke or suspend any license, as the same may require, when he is satisfied of the existence of any of the following facts:

(1). That fraudulent charges or returns have been made by the applicant, or licensee, for the handling, sale, or storage of, or for the rendering of any service in connection with the handling, sale, or storage of any farm products.

(2). That the applicant or licensee has failed or refused to render a true account of sale, or to make a settlement thereon, or to pay for farm products received within the time and in the manner required by this Act.

(3). That the applicant, or licensee, directly or indirectly, has purchased for his or its own account farm products received by him upon consignment without prior authority from consignor, or producer, together with price fixed by consignor, or producer, or without promptly notifying the consignor or producer of such purchase.

This shall not prevent any commission merchant from checking the account of sales, in order to close the day's business, miscellaneous lots or parcels of farm products remaining unsold, if such commission merchant shall forthwith enter such transaction on his account of sales.

(4). That the applicant, or licensee, has individually made any false or misleading statements as to the conditions of the market for any farm products.

(5). That the applicant, or licensee, has made fictitious sales or has been guilty of collusion to defraud the producer or consignor.

(6). That a commission merchant to whom any consignment is made has reconsigned to another commission merchant, for the purpose of receiving, collecting, or charging by such means, more than one commission for making the sale thereof for the consignor, unless by consent of such consignor.

(7). That the licensee, or applicant, has failed or refused to file with the commissioner a schedule of his charges for services in connection with produce handled on account of or as an agent of another; that the applicant, or licensee, has indulged in any unfair practice.

Previous violation by the applicant or by any person connected with him, or it, of any of the provisions of this Chapter shall be good and sufficient ground for denial of a license.

Any action of the commissioner with reference to the granting of, or the refusal to grant, or to renew any license, or with reference to the revocation or suspension of any license granted under the provisions of this Chapter may be reviewed by any Court of competent jurisdiction, but pending final determination of any such review, in the case of the revocation or suspension of any person licensed hereunder, such license shall be deemed in full force and effect pending the expiration of the license period or the final determination of such proceeding, whichever is first in point of time.

Every commission merchant, dealer, or broker having received any farm products for sale as such commission merchant, dealer, or broker, shall promptly make and keep a correct record showing in detail the following with reference to the handling, sale or storage of such farm products.

(a) Name and address of the consignor.

(b) The date received.
(c) The condition and quantity upon arrival.

(d) Date of such sale for account of consignor.

(e) The price for which sold.

(f) An itemized statement of the charges to be paid by consignor in connection with the sale.

(g) The names and addresses of the purchasers if said commission merchant has any financial interest in the business of said purchasers, or if said purchasers have any financial interest in the business of said commission merchant, directly or indirectly, as holder of the other's corporate stock, as co-partner, as lender or borrower of money to or from the other, or otherwise.

(h) A lot number or other identifying mark for each consignment shall be or shall appear on all sales tags or other essential records needed to show what the produce actually sold for.

(i) Any claim or claims which may have been or may be filed by the commission merchant, dealer, or broker against any person for overcharges or for damages resulting from the injury or deterioration of such farm products by the act, negligence, or failure of such person and such records shall be open to the inspection of the commissioner and the consignor of farm products in whom such claim or claims are made.

When requested by his consignor, a commission merchant, dealer, or broker shall, before the close of the next business day following the sale of any farm products consigned to him, transmit or deliver to the owner or consignor of the farm products a true written report of such sale, showing the amount sold and the selling price. Remittance in full of the amount realized from such sales, including all collections, overcharges, and damages, less the agreed commission and other charges, together with a complete account of sale, shall be made to the consignor within ten (10) days after receipt of the moneys by commission merchant, dealer, or broker, unless otherwise agreed in writing. In the account, the names and addresses of purchasers need not be given as required except as required in Subdivision (g) of Section 6.

Every commission merchant, dealer, or broker shall retain a copy of all records covering each transaction, for

a period of one year from the date thereof, which copy shall at all times be available for, and open to, the confidential inspection of the commissioner and/or the consignor, or authorized representative of either. In the event of any dispute or disagreement between a consignor and a commission merchant arising at the time of delivery as to condition, quality, grade, pack, quantity, or weight of any lot, shipment, or consignment of farm products, the department shall furnish upon the payment of a reasonable fee therefor by the requesting party, a certificate establishing the condition, quality, grade, pack, quantity, or weight of such lot, shipment, or consignment. Such certificate shall be prima facie evidence in all Courts of this State as to the recitals thereof. The burden of proof shall be upon the commission merchant, dealer, or broker to prove the correctness of his accounting as to any transaction which may be questioned.

When any dealer, commission merchant, or broker causes a producer, seller, or owner, or agent of such producer, seller, or owner, to part with the control or possession of any farm products or vegetable or agricultural commodity, as defined in this Act, by means of any agreement under which such producer, seller, or owner, or agent of such producer, seller, or owner, has waived the right to demand the purchase price as and when he parts with control or possession of such agricultural commodity, the contract for the handling, purchase of, or sale of such agricultural commodity as between the dealer, commission merchant, or broker, and the producer, seller, or owner, or the agent of such producer, seller, or owner, shall be evidenced in writing in duplicate, such writing shall contain the details of such transaction, including the price to be paid by such dealer, commission merchant, or broker, and the time and manner of payment of such price. In the event the contract, or writing, does not specify a time and manner of settlement, then the dealer, commission merchant, or broker shall settle therefor within thirty (30) days from and after the delivery of such agricultural commodity, or commodities, into the control or possession of such dealer, commission merchant, or broker, by producer, seller, or owner, or agent of such producer, seller, or

owner, and the dealer, commission merchant, or broker, shall then truly account to and pay over to said producer, seller, or owner, or the agent of such producer, seller, or owner, the full amount called for by such contract or writing, including any minimum price guaranteed by dealer, commission merchant, or broker.

Any sale of farm products made by a commission merchant for less than the current market price with any person with whom he has any financial connection, directly or indirectly, as owner of its corporate stock, as co-partner, or otherwise, or any sale out of which any commission merchant receives directly or indirectly any portion of the purchase price other than the commission provided for under the schedule required to be filed with the commissioner by virtue of the terms of this Act, shall be prima facie evidence of fraud within the meaning of this Act.

Sec. 7. Penalties. Any person is guilty of a misdemeanor and is punishable by a fine of not more than One Thousand Dollars (\$1,000), or by imprisonment in the county jail for not more than one year or by both, who assumes or attempts to act as a commission merchant, dealer, broker, or agent without a license, or who, being a commission merchant, dealer, or broker:

(a) Imposes false charges for handling or service in connection with farm products.

(b) Fails or refuses to supply and/or deliver to a producer, seller, or owner, or the agent of such producer, seller, or owner, a memoranda or contract in writing in any transaction whereby such producer, seller, or owner, or the agent of such producer, seller, or owner, has waived the right to demand the purchase price as and when such producer, seller, or owner, or the agent of such producer, seller, or owner, parts with the control or possession of any agricultural commodity or commodities, or fails to account promptly, correctly, fully, and properly and to make settlement therefor as herein provided.

(c) Intentionally makes false or misleading statement or statements as to market conditions.

(d) Makes fictitious sales or is guilty of collusion to defraud the producer.

(e) Directly or indirectly purchases for his own account goods received by

him upon consignment without prior authority from the consignor, or fails promptly to notify the consignor of such purchases, if any, on his own account. This clause does not prevent any commission merchant from taking to account of sales, in order to close the day's business, miscellaneous lots or parcels of farm products remaining unsold, if such commission merchant, dealer, or broker forthwith enters such transaction on his account of sales.

(f) Intentionally makes false statement or statements as to the grade, condition, markings, quality, or quantity of goods received, shipped, or packed in any manner.

(g) Fails to comply in every respect with the terms and provisions of this Act. Civil suits and criminal prosecutions arising by virtue of any of the provisions of this Chapter may be commenced and tried in either the county in which the products were received by the commission merchant or within the county in which the principal place of business of the commission merchant is located, or within the county in which the violation of this Chapter occurred.

Sec. 8. The terms of this Act shall apply only to the Texas Citrus Fruit Zone, as said area is defined in Section 1 of House Bill No. 553, Chapter 230, General Laws of Texas, Regular Session Forty-second Legislature, and shall not apply to any other Section of the State.

Sec. 8a. Provided, however, nothing in this Act shall alter, repeal, change or modify the anti-trust laws of this State and in the event any Section or Sub-section of this Bill shall conflict with the provisions of the anti-trust laws, either Civil or Criminal, said Section or Sub-section shall fall and the anti-trust laws, both Civil and Criminal, shall stand.

Sec. 8b. The provisions of this Act shall not apply to any person, firm or corporation paying for such commodities in lawful currency of the United States at the time of purchase.

Sec. 9. The administration and supervision of the terms and provisions of this Act shall be under the direction of the Chief or Director of the Markets and Warehouse Division of the Department of Agriculture.

Sec. 9a. Sec. 26 of House Bill No. 99, as passed by Regular Session of the Forty-fifth Legislature, is hereby amended so as to read as follows:

Sec. 26. The administration and supervision and full authority for enforcement of the provisions of House Bill No. 99, as passed by the Regular Session of the Forty-fifth Legislature, shall be under the direction and supervision of the Chief or Director of the Markets and Warehouse Division of the Department of Agriculture.

Sec. 9b. The Chief or Director of Markets and Warehouse Division of the Department of Agriculture shall hold office for a term of six years from and after the effective date of this Act, and shall not be subject to removal from office during such six year period except for unfaithful performance of the duties of his office, and shall be paid a salary of Four Hundred and no/100 (\$400) dollars per month, at the expiration of which six year period the Commissioner of Agriculture shall appoint a Chief or Director of the Markets and Warehouse Division for an additional six year period, and such appointment shall thereafter be made each successive six years. The Chief or Director of the Markets and Warehouse Division of the Department of Agriculture is hereby authorized and directed to appoint four assistant directors, two at a salary of \$250.00 per month, and two at a salary of \$200.00 per month, and all necessary field and office inspectors or examiners, at a salary of \$150.00 per month, together with the necessary traveling and office expenses for the use of such director, assistant directors and inspectors or examiners and other necessary personnel. Said assistants and other personnel shall have charge of administering the law enacted by House Bill No. 99 and House Bill No. 557, as passed by the Regular Session of the Forty-fifth Legislature, under the supervision of the Director, together with any other duties over which the Director may have control that may be prescribed by him; such personnel to be in addition to personnel now or hereafter appointed for the administration of the Markets and Warehouse Division of the Department of Agriculture.

Sec. 9c. The salaries and other expenses of the Chief or Director of Markets and Warehouse Division, and of the Assistants and other personnel shall be paid from any funds derived from the enforcement of House Bill No. 99 and House Bill No. 557, as passed by Regular Session of Forty-

fifth Legislature, and from funds derived from the Citrus Inspection fund, the Fruit and Vegetable Inspection fund, Fruit and Vegetable Grading fund, Shippers Inspection and/or Grading fund, together with any appropriation hereafter granted said service, or from funds derived from the enforcing of other laws placed under said Director, and from funds derived from Markets and Warehouse Division of Department of Agriculture and any money credited or that may hereafter be credited to any of such accounts or funds above mentioned, or derived from the Acts heretofore mentioned, is hereby appropriated for the purposes heretofore provided by law for the use of these funds and for the purposes herein set out, and shall be a continuing fund for the purpose of paying salaries and other necessary expenses connected with the enforcement of these Acts. An itemized and sworn account of each item of expense shall be approved by the Director and submitted to the State Comptroller, and the State Comptroller and State Treasurer are hereby authorized and directed to pay such approved accounts and salaries.

Sec. 10. If any section, subsection, sentence, clause, or phrase of this Act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Act. The Legislature hereby declares that it would have passed this Act and each section, subsection, sentence, clause, and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

2. The fact that agricultural commodities, vegetables, and farm produce, as the terms are defined in this Act, are now being harvested, sold, and shipped and that unless the provisions of this Act can be immediately made available for their protection, the producers, dealers, commission merchants, and brokers of this State will suffer heavy losses, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and it is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

On motion of Mr. Celaya, the report was adopted by the following vote:

Yeas—118

Adkins	Kenyon
Alexander	Kern
Alsup	King
Amos	Knetsch
Baker	Langdon
Bates	Lankford
Beckworth	Lanning
Blankenship	Leath
Boethel	Leonard
Bond	Leyendecker
Boyer	Little
Bradbury	Loggins
Bradford	London
Bridgers	Lucas
Broadfoot	Mann
Brown	Mauritz
Burton	McConnell
Callan	McDonald
Carssow	McKee
Cathey	McKinney
Cauthorn	Moffett
Celaya	Monkhouse
Cleveland	Morse
Colquitt	Newton
Davis of Jasper	Nicholson
Davison of Fisher	Oliver
Davisson	Palmer
of Eastland	Patterson of Mills
Deglandon	Patterson
Dickison	of Travis
Dollins	Petsch
England	Powell
Fielden	Prescott
Fox	Quinn
Gibson	Ragsdale
Hamilton	Reed of Bowie
Hankamer	Reed of Dallas
Harbin	Rhodes
Hardin	Russell
Harper	Rutta
Harrell	Schuenemann
Harris of Archer	Settle
Harris of Dallas	Sharpe
Hartzog	Shell
Heflin	Simpson
Holland	Skaggs
Hoskins	Smith of Hopkins
Huddleston	Smith
Hull	of Matagorda
Hyder	Smith of Tarrant
Jackson	Stevenson
James	Talbert
Johnson of Ellis	Tarwater
Johnson	Tennant
of Tarrant	Tennyson
Jones of Angelina	Thornton
Jones of Atascosa	Vale
Jones of Wise	Waggoner
Keefe	Walker
Keith	Weldon
Kelt	Worley

Absent

Cagle	Metcalf
Davis of Haskell	Morris
Dean	Pope
Farmer	Reader
Felty	Riddle
Fuchs	Ross
Graves	Sewell
Hanna	Stinson
Harris of Dickens	Stocks
Herzik	Thornberry
Howard	Westbrook
Mays	Winfree
McFarland	Wood

Absent—Excused

Bell	McCracken
Derden	Roark
Jones of Falls	

TO SUSPEND CERTAIN RULES

Mr. Petsch offered the following resolution:

H. C. R. No. 149, To suspend certain Rules.

Be It Resolved by the House of Representatives, the Senate concurring, That all Rules be suspended for the purpose of allowing the Senate to consider today or tomorrow House Bills Nos. 704 and 1173.

The resolution was read second time, and was adopted by the following vote:

Yeas—121

Adkins	Davisson
Alexander	of Eastland
Alsup	Deglandon
Amos	Dickison
Baker	Dollins
Bates	Fox
Beckworth	Fuchs
Blankenship	Gibson
Boethel	Hamilton
Bond	Hankamer
Boyer	Hanna
Bradbury	Harbin
Bradford	Harper
Bridgers	Harris of Archer
Broadfoot	Harris of Dallas
Brown	Hartzog
Burton	Heflin
Cagle	Holland
Callan	Hoskins
Carssow	Howard
Cauthorn	Huddleston
Celaya	Hull
Cleveland	Hyder
Colquitt	Jackson
Davis of Jasper	James
Davison of Fisher	Johnson of Ellis

Johnson	Powell
of Tarrant	Prescott
Jones of Angelina	Quinn
Jones of Atascosa	Ragsdale
Jones of Wise	Reader
Keefe	Reed of Bowie
Keith	Reed of Dallas
Kelt	Rhodes
Kenyon	Riddle
Kern	Ross
King	Russell
Langdon	Rutta
Lanning	Settle
Leath	Sharpe
Leonard	Shell
Leyendecker	Simpson
Little	Skaggs
Loggins	Smith of Hopkins
London	Smith
Lucas	of Matagorda
Mays	Smith of Tarrant
McConnell	Stevenson
McDonald	Stinson
McKee	Stocks
Moffett	Talbert
Monkhouse	Tarwater
Morris	Tennant
Morse	Tennyson
Newton	Thornton
Nicholson	Vale
Oliver	Waggoner
Palmer	Walker
Patterson of Mills	Weldon
Patterson	Westbrook
of Travis	Wood
Petsch	Worley
Pope	

Nays—1

Lankford

Absent

Cathey	Fielden
Davis of Haskell	Harrell
Dean	Herzik
England	Knetsch
Farmer	Mann
Felty	Mauritz

McFarland	Sewell
McKinney	Winfree
Schuenemann	

Absent—Excused

Bell	Jones of Falls
Derden	McCracken
Graves	Metcalfe
Hardin	Roark
Harris of Dickens	Thornberry

BILL SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and its caption had been read, the following enrolled bill:

S. B. No. 300, "An Act to amend Chapter 74 of the General Laws enacted by the Second Called Session of the Forty-first Legislature authorizing the commissioners' courts of the several counties in Texas to issue refunding bonds for the purpose of refunding road bonds that have been or may hereafter be issued and authorizing the said commissioners' courts to issue refunding bonds for the purpose of refunding any outstanding matured interest on any such road bonds, that are issued by authority of statutes enacted pursuant to Section 52 of Article 3 of the Constitution of Texas, for and on behalf of political subdivisions, defined districts and consolidated districts in such counties, and authorizing the commissioners' courts to pass all appropriate orders to carry out such refunding without the necessity of any notice or right to referendum vote; and to levy ad valorem taxes in payment thereof, and declaring an emergency."

ADJOURNMENT

On motion of Mr. Thornton, the House, at 5:20 o'clock p. m., adjourned until 9:30 o'clock a. m., tomorrow, May 22.

In Memory of
Mr. John Herman Wherman

Mr. McDonald offered the following resolution:

Whereas, Death is no respecter of persons, and as the years pass and age creeps up with unwavering certainty, the once vigorous body becomes inactive and the edict ever issued is accepted; and

Whereas, It has pleased Almighty God to call from our midst the soul of Mr. John Herman Wherman; and

Whereas, The deceased was among the most prominent citizens of the Smetana community, of Brazos County, Texas; and

Whereas, Our deepest and most heartfelt sympathy at this time of bereavement goes out to this noble family; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, That we now express to this family of the deceased our sincere sympathy in this hour of bereavement, and that the Chief Clerk be instructed to send copies of this resolution to the members of the family of the deceased.

The resolution was read second time, and was unanimously adopted.